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SENATE BILL 5425

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State of Washington

59th Legislature

2005 Regular Session

By Senators Haugen, Berkey, Kohl-Welles, Shin, Rasmussen, Jacobsen and Schmidt

Read first time 01/25/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to creating a new institution of higher education  
2 in northern Snohomish county; amending RCW 28A.600.300, 28B.10.016,  
3 28B.10.020, 28B.10.022, 28B.10.025, 28B.10.050, 28B.10.140, 28B.10.265,  
4 28B.10.280, 28B.10.300, 28B.10.350, 28B.10.400, 28B.10.401, 28B.10.405,  
5 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.420, 28B.10.485,  
6 28B.10.487, 28B.10.500, 28B.10.550, 28B.10.560, 28B.10.567, 28B.15.628,  
7 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.820,  
8 28B.15.910, 28B.15.915, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.790,  
9 28B.40.010, 28B.65.030, 28B.76.020, 28B.76.100, 28B.110.020, 34.05.010,  
10 39.19.020, 39.90.060, 40.04.040, 40.04.090, 40.06.040, 41.04.340,  
11 41.06.020, 41.40.108, 41.56.030, 41.76.005, 41.80.005, 43.19.450,  
12 43.41.040, 43.79.150, 43.84.092, 43.88.195, 46.63.040, and 82.12.0264;  
13 reenacting and amending RCW 42.17.2401 and 43.84.092; adding a new  
14 chapter to Title 28B RCW; creating a new section; providing an  
15 effective date; and providing an expiration date.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17 NEW SECTION. **Sec. 1.** (1) The legislature finds that, over the  
18 next decade, large numbers of Washington students will graduate from

1 high school and seek access to higher education. Washington continues  
2 to lag significantly behind other states in its production of students  
3 with baccalaureate degrees and graduate degrees.

4 (2) The legislature also finds that a new public four-year  
5 institution of higher education has not been created in the state of  
6 Washington since 1967. The three comprehensive institutions of higher  
7 education were created in the late 1890s when the state normal schools  
8 were established and no new comprehensive institution of higher  
9 education has been created since then.

10 (3) The legislature further finds that northern Snohomish county  
11 and the surrounding region do not have reasonable access to a four-year  
12 institution of higher education. The legislature further finds that  
13 the creation of an additional four-year institution would complement  
14 the existing structure and provide additional options for students.

15 (4) The legislature intends to create a four-year baccalaureate  
16 degree granting institution in north Snohomish county.

17 **PART I**

18 **NORTH SNOHOMISH STATE COLLEGE**

19 NEW SECTION. **Sec. 101.** North Snohomish State College shall be in  
20 north Snohomish county.

21 NEW SECTION. **Sec. 102.** (1) The governance of North Snohomish  
22 State College shall be vested in a board of trustees consisting of  
23 eight members, one of whom shall be a student. The governor shall  
24 select the student member from a list of candidates, of at least three  
25 and not more than five, submitted by the student body. They shall be  
26 appointed by the governor with the consent of the senate and, except  
27 for the student member, shall hold their offices for a term of six  
28 years from the first day of October and until their successors are  
29 appointed and qualified. The student member shall hold his or her  
30 office for a term of one year from the first day of June and until his  
31 or her successor is appointed and qualified. The student member shall  
32 be a full-time student in good standing at the college at the time of  
33 appointment. Except for the student member, initial members shall be  
34 appointed to staggered terms.

1 (2) Five members of the board constitute a quorum for the  
2 transaction of business. In case of a vacancy, or when an appointment  
3 is made after the date of expiration of the term, the governor shall  
4 fill the vacancy for the remainder of the term of the trustee whose  
5 office has become vacant or expired.

6 (3) Except for the term of the student member, no more than the  
7 terms of two members will expire simultaneously on the last day of  
8 September in any one year.

9 (4) A student appointed under this section shall excuse himself or  
10 herself from participation or voting on matters relating to the hiring,  
11 discipline, or tenure of faculty members and personnel.

12 NEW SECTION. **Sec. 103.** The board of North Snohomish State College  
13 trustees shall elect one of its members chairperson, and it shall elect  
14 a secretary, who may or may not be a member of the board. The board  
15 may adopt bylaws for its government and for the government of the  
16 school, which bylaws shall not be inconsistent with law, and may  
17 prescribe the duties of its officers, committees, and employees. A  
18 majority of the board constitutes a quorum for the transaction of all  
19 business.

20 NEW SECTION. **Sec. 104.** The board of North Snohomish State College  
21 trustees shall hold at least two regular meetings each year, at such  
22 times as may be provided by the board. Special meetings shall be held  
23 as may be deemed necessary, whenever called by the chairperson or by a  
24 majority of the board. Public notice of all meetings shall be given in  
25 accordance with chapter 42.32 RCW.

26 NEW SECTION. **Sec. 105.** In addition to any other powers and duties  
27 prescribed by law, the board of trustees of North Snohomish State  
28 College:

29 (1) Shall have full control of the state college and its property  
30 of various kinds, except as otherwise provided by law;

31 (2) Shall employ the president of the state college, the  
32 president's assistants, members of the faculty, and other employees of  
33 the institution, who, except as otherwise provided by law, shall hold  
34 their positions, until discharged therefrom by the board for good and  
35 lawful reason;

1 (3) With the assistance of the faculty of the state college, shall  
2 prescribe the course of study in the various schools and departments  
3 thereof and publish such catalogues thereof as the board deems  
4 necessary, however the state board of education shall determine the  
5 requisites for and give program approval of all courses leading to  
6 teacher certification by such board;

7 (4) Establish such divisions, schools, or departments necessary to  
8 carry out the purposes of the college and not otherwise proscribed by  
9 law;

10 (5) Except as otherwise provided by law, may establish and erect  
11 such new facilities as determined by the board to be necessary for the  
12 college;

13 (6) May acquire real and other property as provided in RCW  
14 28B.10.020;

15 (7) Except as otherwise provided by law, may purchase all supplies  
16 and purchase or lease equipment and other personal property needed for  
17 the operation or maintenance of the college;

18 (8) May establish, lease, operate, equip, and maintain self-  
19 supporting facilities in the manner provided in RCW 28B.10.300 through  
20 28B.10.330;

21 (9) Except as otherwise provided by law, to enter into such  
22 contracts as the trustees deem essential to college purposes;

23 (10) May receive such gifts, grants, conveyances, devises, and  
24 bequests of real or personal property from whatsoever source, as may be  
25 made from time to time, in trust or otherwise, whenever the terms and  
26 conditions thereof will aid in carrying out the college programs; sell,  
27 lease, or exchange, invest or expend the same or the proceeds, rents,  
28 profits, and income thereof except as limited by the terms and  
29 conditions thereof; and adopt rules to govern the receipt and  
30 expenditure of the proceeds, rents, profits, and income thereof;

31 (11) Subject to the approval of the higher education coordinating  
32 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-  
33 campus programs, participate in consortia or centers, contract for off-  
34 campus educational programs, and purchase or lease major off-campus  
35 facilities;

36 (12) May adopt such rules, and perform all other acts not forbidden  
37 by law, as the board of trustees may in its discretion deem necessary  
38 or appropriate to the administration of the college.

1        NEW SECTION.    **Sec. 106.** (1) Subject to the provisions of RCW  
2 35.21.779, the board of trustees of North Snohomish State College may:

3        (a) Contract for such fire protection services as may be necessary  
4 for the protection and safety of the students, staff, and property of  
5 the college;

6        (b) By agreement pursuant to the provisions of chapter 39.34 RCW,  
7 join together with other agencies or political subdivisions of the  
8 state or federal government and otherwise share in the accomplishment  
9 of any of the purposes of (a) of this subsection.

10       (2) Neither the failure of the trustees to exercise any of its  
11 powers under this section nor anything in this section detracts from  
12 the lawful and existing powers and duties of political subdivisions of  
13 the state to provide the necessary fire protection equipment and  
14 services to persons and property within their jurisdiction.

15       NEW SECTION.    **Sec. 107.** Each board of North Snohomish State  
16 College trustees shall appoint a treasurer who shall be the financial  
17 officer of the board and who shall hold office during the pleasure of  
18 the board. Each treasurer shall render a true and faithful account of  
19 all moneys received and paid out by him or her, and shall give bond for  
20 the faithful performance of the duties of office in such amount as the  
21 trustees require. North Snohomish State College shall pay the fees for  
22 any such bonds.

23       NEW SECTION.    **Sec. 108.** The degree of bachelor of arts or the  
24 degree of bachelor of science and/or the degree of bachelor of arts in  
25 education may be granted to any student who has completed a four-year  
26 course of study or the equivalent thereof at North Snohomish State  
27 College.

28       NEW SECTION.    **Sec. 109.** In addition to all other powers and duties  
29 given to it by law, the board of trustees of North Snohomish State  
30 College is hereby authorized to grant any degree through the master's  
31 degree to any student who has completed a program of study and/or  
32 research in those areas that are determined by the faculty and board of  
33 trustees of the college to be appropriate for the granting of such  
34 degree. Any degree authorized under this section is subject to the  
35 review and approval of the higher education coordinating board.

1           The board of trustees, upon recommendation of the faculty, may also  
2 confer honorary bachelor's or master's degrees upon persons other than  
3 graduates of the institution, in recognition of their learning or  
4 devotion to education, literature, art, or science. No degree may be  
5 conferred in consideration of the payment of money or the donation of  
6 any kind of property.

7           NEW SECTION.   **Sec. 110.** Every diploma issued by North Snohomish  
8 State College shall be signed by the chairperson of the board of  
9 trustees and by the president of the college, and sealed with the  
10 appropriate seal. In addition, teaching certificates shall be  
11 countersigned by the state superintendent of public instruction. Every  
12 certificate shall specifically state what course of study the holder  
13 has completed and for what length of time such certificate is valid in  
14 the schools of the state.

15           NEW SECTION.   **Sec. 111.** A model school or schools or training  
16 departments may be provided for North Snohomish State College, in which  
17 students, before graduation, may have actual practice in teaching or  
18 courses relative thereto under the supervision and observation of  
19 critic teachers. All schools or departments involved shall organize  
20 and direct their work being cognizant of public school needs.

21           NEW SECTION.   **Sec. 112.** The board of trustees of North Snohomish  
22 State College, if having a model school or training department as  
23 authorized by section 111 of this act, shall, on or before the first  
24 Monday of September of each year, file with the board of the school  
25 district or districts in which such North Snohomish State College is  
26 situated, a certified statement showing an estimate of the number of  
27 public school pupils who will be required to make up such model school  
28 and specifying the number required for each grade for which training  
29 for students is required.

30           NEW SECTION.   **Sec. 113.** It is the duty of the board of the school  
31 district or districts with which a statement under section 112 of this  
32 act has been filed, to apportion for attendance to the model school or  
33 training department, a sufficient number of pupils from the public  
34 schools under the supervision of the board as will furnish to North

1 Snohomish State College the number of pupils required in order to  
2 maintain such facility. The president of North Snohomish State College  
3 may refuse to accept any such pupil as in his or her judgment would  
4 tend to reduce the efficiency of the model school or training  
5 department.

6 NEW SECTION. **Sec. 114.** Annually, on or before the date for  
7 reporting the school attendance of the school district in which the  
8 model school or training department is situated, for the purpose of  
9 taxation for the support of the common schools, the board of trustees  
10 of North Snohomish State College, since having supervision over the  
11 school, shall file with the board of the school district or districts  
12 in which the model school or training department is situated, a report  
13 showing the number of common school pupils at each such model school or  
14 training department during the school year last passed, and the period  
15 of their attendance, in the same form that reports of public schools  
16 are made. Any superintendent of the school district so affected shall,  
17 in reporting the attendance in the school district, segregate the  
18 attendance at the model school or training department from the  
19 attendance in the other schools of said district. Attendance shall be  
20 credited, if credit is given therefor, to the school district in which  
21 the pupil resides.

22 NEW SECTION. **Sec. 115.** Any student may be suspended or expelled  
23 from North Snohomish State College who is found to be guilty of an  
24 infraction of the rules of the institution.

25 NEW SECTION. **Sec. 116.** The president of North Snohomish State  
26 College has general supervision of the college and must see that all  
27 laws and rules of the board of trustees are observed.

28 NEW SECTION. **Sec. 117.** North Snohomish State College is entitled  
29 to receive and share in all the benefits and donations made and given  
30 to similar institutions by the enabling act or other federal law to the  
31 same extent as other state colleges are entitled to receive and share  
32 in such benefits and donations.

PART II  
GENERAL PROVISIONS

**Sec. 201.** RCW 28A.600.300 and 2002 c 80 s 1 are each amended to read as follows:

For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(1) A community or technical college as defined in RCW 28B.50.030; and

(2) Central Washington University, Eastern Washington University, Washington State University, (~~and~~) The Evergreen State College, and North Snohomish State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400.

**Sec. 202.** RCW 28B.10.016 and 1992 c 231 s 1 are each amended to read as follows:

For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State colleges" means The Evergreen State College in Thurston county and North Snohomish State College in north Snohomish county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, North Snohomish State College, the community colleges, and the technical colleges.

(5) "Governing board" means the board of regents or the board of trustees of the institutions of higher education.

**Sec. 203.** RCW 28B.10.020 and 2004 c 275 s 47 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, (~~and~~) The Evergreen State College, and

1 North Snohomish State College, respectively, shall have the power and  
2 authority to acquire by exchange, gift, purchase, lease, or  
3 condemnation in the manner provided by chapter 8.04 RCW for  
4 condemnation of property for public use, such lands, real estate and  
5 other property, and interests therein as they may deem necessary for  
6 the use of said institutions respectively. However, the purchase or  
7 lease of major off-campus facilities is subject to the approval of the  
8 higher education coordinating board under RCW 28B.76.230.

9 **Sec. 204.** RCW 28B.10.022 and 2003 c 6 s 1 are each amended to read  
10 as follows:

11 (1) The boards of regents of the state universities and the boards  
12 of trustees of the regional universities, The Evergreen State College,  
13 and North Snohomish State College, and the state board for community  
14 and technical colleges, are severally authorized to enter into  
15 financing contracts as provided in chapter 39.94 RCW. Except as  
16 provided in subsection (2) of this section, financing contracts shall  
17 be subject to the approval of the state finance committee.

18 (2) The board of regents of a state university may enter into  
19 financing contracts which are payable solely from and secured by all or  
20 any component of the fees and revenues of the university derived from  
21 its ownership and operation of its facilities not subject to  
22 appropriation by the legislature and not constituting "general state  
23 revenues," as defined in Article VIII, section 1 of the state  
24 Constitution, without the prior approval of the state finance  
25 committee.

26 (3) Except for financing contracts for facilities or equipment  
27 described under chapter 28B.140 RCW, the board of regents shall notify  
28 the state finance committee at least sixty days prior to entering into  
29 such contract and provide information relating to such contract as  
30 requested by the state finance committee.

31 **Sec. 205.** RCW 28B.10.025 and 1990 c 33 s 557 are each amended to  
32 read as follows:

33 The Washington state arts commission shall, in consultation with  
34 the boards of regents of the University of Washington and Washington  
35 State University and with the boards of trustees of the regional  
36 universities, The Evergreen State College, North Snohomish State

1 College, and the community college districts, determine the amount to  
2 be made available for the purchases of art under RCW 28B.10.027, and  
3 payment therefor shall be made in accordance with law. The designation  
4 of projects and sites, the selection, contracting, purchase,  
5 commissioning, reviewing of design, execution and placement,  
6 acceptance, maintenance, and sale, exchange, or disposition of works of  
7 art shall be the responsibility of the Washington state arts commission  
8 in consultation with the board of regents or trustees. However, the  
9 costs to carry out the Washington state arts commission's  
10 responsibility for maintenance shall not be funded from the moneys  
11 referred to under this section, RCW 43.17.200, 43.19.455, or  
12 28A.335.210, but shall be contingent upon adequate appropriations being  
13 made for that purpose.

14 **Sec. 206.** RCW 28B.10.050 and 2004 c 275 s 48 are each amended to  
15 read as follows:

16 Except as the legislature shall otherwise specifically direct, the  
17 boards of regents and the boards of trustees for the state  
18 universities, the regional universities, (~~and~~) The Evergreen State  
19 College, and North Snohomish State College may establish entrance  
20 requirements for their respective institutions of higher education  
21 which meet or exceed the minimum entrance requirements established  
22 under RCW 28B.76.290(2).

23 **Sec. 207.** RCW 28B.10.140 and 2004 c 60 s 1 are each amended to  
24 read as follows:

25 The University of Washington, Washington State University, Central  
26 Washington University, Eastern Washington University, Western  
27 Washington University, (~~and~~) The Evergreen State College, and North  
28 Snohomish State College are each authorized to train teachers and other  
29 personnel for whom teaching certificates or special credentials  
30 prescribed by the state board of education are required, for any grade,  
31 level, department, or position of the public schools of the state.

32 **Sec. 208.** RCW 28B.10.265 and 1993 sp.s. c 18 s 1 are each amended  
33 to read as follows:

34 Subject to the limitations of RCW 28B.15.910, the governing boards  
35 of the state universities, the regional universities, The Evergreen

1 State College, North Snohomish State College, and the community  
2 colleges may waive all or a portion of the tuition, operating, and  
3 services and activities fees for children of any person who was a  
4 Washington domiciliary and who within the past eleven years has been  
5 determined by the federal government to be a prisoner of war or missing  
6 in action in Southeast Asia, including Korea, or who shall become so  
7 hereafter, if the children meet such other educational qualifications  
8 as such institution of higher education shall deem reasonable and  
9 necessary under the circumstances. Applicants for free or reduced  
10 tuition shall provide institutional administrative personnel with  
11 documentation of their rights under this section.

12 **Sec. 209.** RCW 28B.10.280 and 1977 ex.s. c 169 s 11 are each  
13 amended to read as follows:

14 The boards of regents of the state universities and the boards of  
15 trustees of regional universities, The Evergreen State College, North  
16 Snohomish State College, and community college districts may each  
17 create student loan funds, and qualify and participate in the National  
18 Defense Education Act of 1958 and such other similar federal student  
19 aid programs as are or may be enacted from time to time, and to that  
20 end may comply with all of the laws of the United States, and all of  
21 the rules, regulations and requirements promulgated pursuant thereto.

22 **Sec. 210.** RCW 28B.10.300 and 1977 ex.s. c 169 s 13 are each  
23 amended to read as follows:

24 The boards of regents of the state universities and the boards of  
25 trustees of the regional universities (~~and~~), The Evergreen State  
26 College, and North Snohomish State College are severally authorized to:

27 (1) Enter into contracts with persons, firms, or corporations for  
28 the construction, installation, equipping, repairing, renovating, and  
29 betterment of buildings and facilities for the following:

- 30 (a) Dormitories;
- 31 (b) Hospitals;
- 32 (c) Infirmaries;
- 33 (d) Dining halls;
- 34 (e) Student activities;
- 35 (f) Services of every kind for students, including, but not limited

1 to, housing, employment, registration, financial aid, counseling,  
2 testing, and offices of the dean of students;

3 (g) Vehicular parking; and

4 (h) Student, faculty, and employee housing and boarding;

5 (2) Purchase or lease lands and other appurtenances necessary for  
6 the construction and installation of such buildings and facilities and  
7 to purchase or lease lands with buildings and facilities constructed or  
8 installed thereon suitable for the purposes aforesaid;

9 (3) Lease to any persons, firms, or corporations such portions of  
10 the campus of their respective institutions as may be necessary for the  
11 construction and installation of buildings and facilities for the  
12 purposes aforesaid and the reasonable use thereof;

13 (4) Borrow money to pay the cost of the acquisition of such lands  
14 and of the construction, installation, equipping, repairing,  
15 renovating, and betterment of such buildings and facilities, including  
16 interest during construction and other incidental costs, and to issue  
17 revenue bonds or other evidence of indebtedness therefor, and to  
18 refinance the same before or at maturity and to provide for the  
19 amortization of such indebtedness from services and activities fees or  
20 from the rentals, fees, charges, and other income derived through the  
21 ownership, operation, and use of such lands, buildings, and facilities  
22 and any other dormitory, hospital, infirmary, dining, student  
23 activities, student services, vehicular parking, housing or boarding  
24 building, or facility at the institution;

25 (5) Contract to pay as rental or otherwise the cost of the  
26 acquisition of such lands and of the construction and installation of  
27 such buildings and facilities on the amortization plan; the contract  
28 not to run over forty years;

29 (6) Expend on the amortization plan services and activities fees  
30 and/or any part of all of the fees, charges, rentals, and other income  
31 derived from any or all revenue-producing lands, buildings, and  
32 facilities of their respective institutions, heretofore or hereafter  
33 acquired, constructed, or installed, including but not limited to  
34 income from rooms, dormitories, dining rooms, hospitals, infirmaries,  
35 housing or student activity buildings, vehicular parking facilities,  
36 land or the appurtenances thereon, and to pledge such services and  
37 activities fees and/or the net income derived through the ownership,  
38 operation, and use of any lands, buildings, or facilities of the nature

1 described in subsection (1) (~~hereof~~) of this section for the payment  
2 of part or all of the rental, acquisition, construction, and  
3 installation, and the betterment, repair, and renovation or other  
4 contract charges, bonds, or other evidence of indebtedness agreed to be  
5 paid on account of the acquisition, construction, installation, or  
6 rental of, or the betterment, repair, or renovation of, lands,  
7 buildings, facilities, and equipment of the nature authorized by this  
8 section.

9 **Sec. 211.** RCW 28B.10.350 and 2001 c 38 s 1 are each amended to  
10 read as follows:

11 (1) When the cost to The Evergreen State College, North Snohomish  
12 State College, any regional university, or state university, of any  
13 building, construction, renovation, remodeling, or demolition other  
14 than maintenance or repairs will equal or exceed the sum of thirty-five  
15 thousand dollars, complete plans and specifications for such work shall  
16 be prepared and such work shall be put out for public bids and the  
17 contract shall be awarded to the lowest responsible bidder if in  
18 accordance with the bid specifications: PROVIDED, That when the  
19 estimated cost of such building, construction, renovation, remodeling,  
20 or demolition equals or exceeds the sum of twenty-five thousand  
21 dollars, such project shall be deemed a public works and "the  
22 prevailing rate of wage," under chapter 39.12 RCW shall be applicable  
23 thereto: PROVIDED FURTHER, That when such building, construction,  
24 renovation, remodeling, or demolition involves one trade or craft area  
25 and the estimated cost exceeds fifteen thousand dollars, complete plans  
26 and specifications for such work shall be prepared and such work shall  
27 be put out for public bids, and the contract shall be awarded to the  
28 lowest responsible bidder if in accordance with the bid specifications.  
29 This subsection shall not apply when a contract is awarded by the small  
30 works roster procedure authorized in RCW 39.04.155 or under any other  
31 procedure authorized for an institution of higher education.

32 (2) The Evergreen State College, North Snohomish State College, any  
33 regional university, or state university may require a project to be  
34 put to public bid even when it is not required to do so under  
35 subsection (1) of this section.

36 (3) Where the estimated cost to The Evergreen State College, North  
37 Snohomish State College, any regional university, or state university

1 of any building, construction, renovation, remodeling, or demolition is  
2 less than twenty-five thousand dollars or the contract is awarded by  
3 the small works roster procedure authorized in RCW 39.04.155, the  
4 publication requirements of RCW 39.04.020 shall be inapplicable.

5 (4) In the event of any emergency when the public interest or  
6 property of The Evergreen State College, North Snohomish State College,  
7 regional university, or state university would suffer material injury  
8 or damage by delay, the president of such college or university may  
9 declare the existence of such an emergency and reciting the facts  
10 constituting the same may waive the requirements of this section with  
11 reference to any contract in order to correct the condition causing the  
12 emergency: PROVIDED, That an "emergency," for the purposes of this  
13 section, means a condition likely to result in immediate physical  
14 injury to persons or to property of such college or university in the  
15 absence of prompt remedial action or a condition which immediately  
16 impairs the institution's ability to perform its educational  
17 obligations.

18 **Sec. 212.** RCW 28B.10.400 and 1979 ex.s. c 259 s 1 are each amended  
19 to read as follows:

20 The boards of regents of the state universities, the boards of  
21 trustees of the regional universities (~~(and of)~~), The Evergreen State  
22 College, and North Snohomish State College, and the state board for  
23 community and technical colleges (~~(education)~~) are authorized and  
24 empowered:

25 (1) To assist the faculties and such other employees as any such  
26 board may designate in the purchase of old age annuities or retirement  
27 income plans under such rules (~~(and regulations)~~) as any such board may  
28 prescribe. County agricultural agents, home demonstration agents, 4-H  
29 club agents, and assistant county agricultural agents paid jointly by  
30 the Washington State University and the several counties shall be  
31 deemed to be full-time employees of the Washington State University for  
32 (~~(the)~~) these purposes (~~(hereof)~~);

33 (2) To provide, under such rules (~~(and regulations)~~) as any such  
34 board may prescribe for the faculty members or other employees under  
35 its supervision, for the retirement of any such faculty member or other  
36 employee on account of age or condition of health, retirement on  
37 account of age to be not earlier than the sixty-fifth birthday:

1 PROVIDED, That such faculty member or such other employee may elect to  
2 retire at the earliest age specified for retirement by federal social  
3 security law: PROVIDED FURTHER, That any supplemental payment  
4 authorized by subsection (3) of this section and paid as a result of  
5 retirement earlier than age sixty-five shall be at an actuarially  
6 reduced rate;

7 (3) To pay to any such retired person or to ~~((his))~~ the retiree's  
8 designated beneficiary(s), each year after ~~((his))~~ retirement, a  
9 supplemental amount which, when added to the amount of such annuity or  
10 retirement income plan, or retirement income benefit pursuant to RCW  
11 28B.10.415, received by ~~((him or his))~~ the retiree or the retiree's  
12 designated beneficiary(s) in such year, will not exceed fifty percent  
13 of the average annual salary paid to such retired person for his or her  
14 highest two consecutive years of full-time service under an annuity or  
15 retirement income plan established pursuant to subsection (1) of this  
16 section at an institution of higher education: PROVIDED, HOWEVER, That  
17 if such retired person prior to ~~((his))~~ retirement elected a  
18 supplemental payment survivors option, any such supplemental payments  
19 to such retired person or his or her designated beneficiary(s) shall be  
20 at actuarially reduced rates: PROVIDED FURTHER, That if a faculty  
21 member or other employee of an institution of higher education who is  
22 a participant in a retirement plan authorized by this section dies, or  
23 has died before retirement but after becoming eligible for retirement  
24 on account of age, the designated beneficiary(s) shall be entitled to  
25 receive the supplemental payment authorized by this subsection ~~((+3) of~~  
26 ~~this section))~~ to which such designated beneficiary(s) would have been  
27 entitled had said deceased faculty member or other employee retired on  
28 the date of death after electing a supplemental payment survivors  
29 option: PROVIDED FURTHER, That for the purpose of this subsection, the  
30 designated beneficiary(s) shall be (a) the surviving spouse of the  
31 retiree; or, (b) with the written consent of such spouse, if any, such  
32 other person or persons as shall have an insurable interest in the  
33 retiree's life and shall have been nominated by written designation  
34 duly executed and filed with the retiree's institution of higher  
35 education.

36 **Sec. 213.** RCW 28B.10.401 and 1979 ex.s. c 259 s 3 are each amended  
37 to read as follows:

1 The boards of regents of the state universities, the boards of  
2 trustees of the state colleges, and the state board for community and  
3 technical colleges (~~(education)~~), when establishing the amount of  
4 supplemental payment under RCW 28B.10.400(3) (~~(as now or hereafter~~  
5 ~~amended)~~), shall apply the following assumptions:

6 (1) That the faculty member or such other employee at the time of  
7 retirement elected a joint and two-thirds survivor option on their  
8 annuity or retirement income plan using actual ages, but not exceeding  
9 a five-year age difference if married, or an actuarial equivalent  
10 option if single, which represents accumulations including all  
11 dividends from all matching contributions and any benefit that such  
12 faculty member is eligible to receive from any Washington state public  
13 retirement plan while employed at an institution of higher education;

14 (2) That on and after July 1, 1974, matching contributions were  
15 allocated equally between a fixed dollar and a variable dollar annuity;

16 (3) That for each year after age fifty, the maximum amount of  
17 contributions pursuant to RCW 28B.10.410 (~~(as now or hereafter~~  
18 ~~amended)~~) be contributed toward the purchase of such annuity or  
19 retirement income plan, otherwise three-fourths of the formula  
20 described in RCW 28B.10.415(~~(, as now or hereafter amended,)~~) shall be  
21 applied.

22 **Sec. 214.** RCW 28B.10.405 and 1977 ex.s. c 169 s 16 are each  
23 amended to read as follows:

24 Members of the faculties and such other employees as are designated  
25 by the boards of regents of the state universities, the boards of  
26 trustees of the regional universities (~~(and of)~~), The Evergreen State  
27 College, and North Snohomish State College, or the state board for  
28 community and technical colleges (~~(education)~~) shall be required to  
29 contribute not less than five percent of their salaries during each  
30 year of full-time service after the first two years of such service  
31 toward the purchase of such annuity or retirement income plan; such  
32 contributions may be in addition to federal social security tax  
33 contributions, if any.

34 **Sec. 215.** RCW 28B.10.407 and 1987 c 448 s 1 are each amended to  
35 read as follows:

36 (1) A faculty member or other employee designated by the boards of

1 regents of the state universities, the boards of trustees of the  
2 regional universities (~~(and)~~), The Evergreen State College, and North  
3 Snohomish State College, or the state board for community and technical  
4 colleges (~~(education)~~) who is granted an authorized leave of absence  
5 without pay may apply the period of time while on the leave in the  
6 computation of benefits in any annuity and retirement plan authorized  
7 under RCW 28B.10.400 through 28B.10.430 only to the extent provided in  
8 subsection (2) of this section.

9 (2) An employee who is eligible under subsection (1) of this  
10 section may receive a maximum of two years' credit during the  
11 employee's entire working career for periods of authorized leave  
12 without pay. Such credit may be obtained only if the employee pays  
13 both the employer and employee contributions required under RCW  
14 28B.10.405 and 28B.10.410 while on the authorized leave of absence and  
15 if the employee returns to employment with the university or college  
16 immediately following the leave of absence for a period of not less  
17 than two years. The employee and employer contributions shall be based  
18 on the average of the employee's compensation at the time the leave of  
19 absence was authorized and the time the employee resumes employment.  
20 Any benefit under RCW 28B.10.400(3) shall be based only on the  
21 employee's compensation earned from employment with the university or  
22 college.

23 An employee who is inducted into the armed forces of the United  
24 States shall be deemed to be on an unpaid, authorized leave of absence.

25 **Sec. 216.** RCW 28B.10.410 and 1977 ex.s. c 169 s 17 are each  
26 amended to read as follows:

27 The boards of regents of the state universities, the boards of  
28 trustees of the regional universities (~~(and of)~~), The Evergreen State  
29 College, and North Snohomish State College, or the state board for  
30 community and technical colleges (~~(education)~~) shall pay not more than  
31 one-half of the annual premium of any annuity or retirement income plan  
32 established under the provisions of RCW 28B.10.400 (~~(as now or~~  
33 ~~hereafter amended)~~). Such contribution shall not exceed ten percent of  
34 the salary of the faculty member or other employee on whose behalf the  
35 contribution is made. This contribution may be in addition to federal  
36 social security tax contributions made by the boards, if any.

1       **Sec. 217.** RCW 28B.10.415 and 1979 ex.s. c 259 s 2 are each amended  
2 to read as follows:

3       The boards of regents of the state universities, the boards of  
4 trustees of the regional universities (~~(and of)~~), The Evergreen State  
5 College, and North Snohomish State College, or the state board for  
6 community and technical colleges (~~(education)~~) shall not pay any amount  
7 to be added to the annuity or retirement income plan of any retired  
8 person who has served for less than ten years in one or more of the  
9 state institutions of higher education. In the case of persons who  
10 have served more than ten years but less than twenty-five years no  
11 amount shall be paid in excess of four percent of the amount authorized  
12 in (~~(subdivision (3) of)~~) RCW 28B.10.400(3) (~~(as now or hereafter~~  
13 ~~amended)~~), multiplied by the number of years of full-time service  
14 rendered by such person: PROVIDED, That credit for years of service at  
15 an institution of higher education shall be limited to those years in  
16 which contributions were made by a faculty member or other employee  
17 designated pursuant to RCW 28B.10.400(1) and the institution or the  
18 state as a result of which a benefit is being received by a retired  
19 person from any Washington state public retirement plan: PROVIDED  
20 FURTHER, That all such benefits that a retired person is eligible to  
21 receive shall reduce any supplementation payments provided for in RCW  
22 28B.10.400 (~~(as now or hereafter amended)~~).

23       **Sec. 218.** RCW 28B.10.417 and 1977 ex.s. c 169 s 19 are each  
24 amended to read as follows:

25       (1) A faculty member or other employee designated by the board of  
26 trustees of the applicable regional university (~~(or of)~~), The Evergreen  
27 State College, or North Snohomish State College as being subject to an  
28 annuity or retirement income plan and who, at the time of such  
29 designation, is a member of the Washington state teachers' retirement  
30 system, shall retain credit for such service in the Washington state  
31 teachers' retirement system and except as provided in subsection (2) of  
32 this section, shall leave his or her accumulated contributions in the  
33 teachers' retirement fund. Upon his or her attaining eligibility for  
34 retirement under the Washington state teachers' retirement system, such  
35 faculty member or other employee shall receive from the Washington  
36 state teachers' retirement system a retirement allowance consisting of  
37 an annuity which shall be the actuarial equivalent of his or her

1 accumulated contributions at his or her age when becoming eligible for  
2 such retirement and a pension for each year of creditable service  
3 established and retained at the time of said designation as provided in  
4 RCW 41.32.497 (~~(as now or hereafter amended)~~). Anyone who on July 1,  
5 1967, was receiving pension payments from the teachers' retirement  
6 system based on thirty-five years of creditable service shall  
7 thereafter receive a pension based on the total years of creditable  
8 service established with the retirement system: PROVIDED, HOWEVER,  
9 That any such faculty member or other employee who, upon attainment of  
10 eligibility for retirement under the Washington state teachers'  
11 retirement system, is still engaged in public educational employment,  
12 shall not be eligible to receive benefits under the Washington state  
13 teachers' retirement system until he or she ceases such public  
14 educational employment. Any retired faculty member or other employee  
15 who enters service in any public educational institution shall cease to  
16 receive pension payments while engaged in such service: PROVIDED  
17 FURTHER, That such service may be rendered up to seventy-five days in  
18 a school year without reduction of pension.

19 (2) A faculty member or other employee designated by the board of  
20 trustees of the applicable regional university (~~(or of)~~) The Evergreen  
21 State College, or North Snohomish State College as being subject to the  
22 annuity and retirement income plan and who, at the time of such  
23 designation, is a member of the Washington state teachers' retirement  
24 system may, at his or her election and at any time, on and after  
25 midnight June 10, 1959, terminate his or her membership in the  
26 Washington state teachers' retirement system and withdraw his or her  
27 accumulated contributions and interest in the teachers' retirement fund  
28 upon written application to the board of trustees of the Washington  
29 state teachers' retirement system. Faculty members or other employees  
30 who withdraw their accumulated contributions, on and after the date of  
31 withdrawal of contributions, shall no longer be members of the  
32 Washington state teachers' retirement system and shall forfeit all  
33 rights of membership, including pension benefits, theretofore acquired  
34 under the Washington state teachers' retirement system.

35 **Sec. 219.** RCW 28B.10.420 and 1979 c 14 s 1 are each amended to  
36 read as follows:

37 (1) Except as provided otherwise in subsection (2) of this section,

1 faculty members or other employees designated by the boards of regents  
2 of the state universities, the boards of trustees of the regional  
3 universities (~~(or of)~~), The Evergreen State College, or North Snohomish  
4 State College, or the state board for community and technical colleges  
5 (~~(education)~~) pursuant to RCW 28B.10.400 through 28B.10.420 (~~(as now or~~  
6 ~~hereafter amended)~~) shall be retired from their employment with their  
7 institutions of higher education not later than the end of the academic  
8 year next following their seventieth birthday.

9 (2) As provided in this subsection, the board of regents of a state  
10 university, the board of trustees of a regional university (~~(or)~~), The  
11 Evergreen State College, or North Snohomish State College, or the state  
12 board for community and technical colleges (~~(education)~~) may reemploy  
13 any person who is "retired" pursuant to subsection (1) of this section,  
14 who applies for reemployment and who has reached seventy years of age  
15 on or after July 1, 1970. The following provisions shall govern such  
16 reemployment:

17 (a) Prior to the reemployment, the board of regents, board of  
18 trustees, or state board shall have found that the person possesses  
19 outstanding qualifications which in the judgment of the board would  
20 permit the person to continue valuable service to the institution.

21 (b) The period of reemployment shall not be counted as service  
22 under, or result in any eligibility for benefits or increased benefits  
23 under, any state authorized or supported annuity or retirement income  
24 plan. Reemployment shall not result in the reemployed person or  
25 employer making any contributions to any such plan.

26 (c) No person may be reemployed on a full-time basis if such person  
27 is receiving benefits under any state-authorized or supported annuity  
28 or retirement income plan. The reemployment of any person on a full-  
29 time basis shall be immediately terminated upon the person's obtaining  
30 of any such benefits.

31 (d) A person may be reemployed on a part-time basis and receive or  
32 continue to receive any benefits for which such person is eligible  
33 under any state-authorized or supported annuity or retirement income  
34 plan. Such part-time work, however, shall not exceed forty percent of  
35 full-time employment during any year.

36 (e) A person reemployed pursuant to this section shall comply with  
37 all conditions of reemployment and all rules providing for the

1 administration of this subsection which are prescribed or adopted by  
2 the board of regents, or board of trustees, or by the state board for  
3 community and technical colleges (~~(education)~~).

4 **Sec. 220.** RCW 28B.10.485 and 1979 c 130 s 1 are each amended to  
5 read as follows:

6 The boards of the state universities, regional universities, and  
7 the state colleges are authorized to issue charitable gift annuities  
8 paying a fixed dollar amount to individual annuitants for their  
9 lifetimes in exchange for the gift of assets to the respective  
10 institution in a single transaction. The boards shall invest one  
11 hundred percent of the charitable gift annuity assets in a reserve for  
12 the lifetimes of the respective annuitants to meet liabilities that  
13 result from the gift program.

14 **Sec. 221.** RCW 28B.10.487 and 1979 c 130 s 5 are each amended to  
15 read as follows:

16 The obligation to make annuity payments to individuals under  
17 charitable gift annuity agreements issued by the board of a state  
18 university, regional university, or (~~(of the)~~) a state college pursuant  
19 to RCW 28B.10.485 shall be secured by and limited to the assets given  
20 in exchange for the annuity and reserves established by the board.  
21 Such agreements shall not constitute:

- 22 (1) An obligation, either general or special, of the state; or  
23 (2) A general obligation of a state university, regional  
24 university, or (~~(of the)~~) a state college or (~~(of)~~) the board.

25 **Sec. 222.** RCW 28B.10.500 and 1977 ex.s. c 169 s 21 are each  
26 amended to read as follows:

27 No regent of the state universities, or trustee of the regional  
28 universities (~~(or of)~~), The Evergreen State College, or North Snohomish  
29 State College shall be removed during the term of office for which  
30 appointed, excepting only for misconduct or malfeasance in office, and  
31 then only in the manner (~~(hereinafter)~~) provided in this section.  
32 Before any regent or trustee may be removed for such misconduct or  
33 malfeasance, a petition for removal, stating the nature of the  
34 misconduct or malfeasance of such regent or trustee with reasonable  
35 particularity, shall be signed and verified by the governor and served

1 upon such regent or trustee. Said petition, together with proof of  
2 service of same upon such regent or trustee, shall forthwith be filed  
3 with the clerk of the supreme court. The chief justice of the supreme  
4 court shall thereupon designate a tribunal composed of three judges of  
5 the superior court to hear and adjudicate the charges. Such tribunal  
6 shall fix the time of hearing, which shall be public, and the procedure  
7 for the hearing, and the decision of such tribunal shall be final and  
8 not subject to review by the supreme court. Removal of any member of  
9 the board by the tribunal shall disqualify such member for  
10 reappointment.

11 **Sec. 223.** RCW 28B.10.550 and 1977 ex.s. c 169 s 24 are each  
12 amended to read as follows:

13 The boards of regents of the state universities, and the boards of  
14 trustees of the regional universities (~~(or of)~~), The Evergreen State  
15 College, or North Snohomish State College, acting independently and  
16 each on behalf of its own institution:

17 (1) May each establish a police force for its own institution,  
18 which force shall function under such conditions and (~~(regulations)~~)  
19 rules as the board prescribes; and

20 (2) May supply appropriate badges and uniforms indicating the  
21 positions and authority of the members of such police force.

22 **Sec. 224.** RCW 28B.10.560 and 1983 c 221 s 1 are each amended to  
23 read as follows:

24 (1) The boards of regents of the state universities, and the boards  
25 of trustees of the regional universities (~~(and of)~~), The Evergreen  
26 State College, and North Snohomish State College, acting independently  
27 and each on behalf of its own institution, may each:

28 (a) Establish and (~~(promulgate)~~) adopt rules (~~(and regulations)~~)  
29 governing pedestrian traffic and vehicular traffic and parking upon  
30 lands and facilities of the university or college;

31 (b) Adjudicate matters involving parking infractions internally;  
32 and

33 (c) Collect and retain any penalties so imposed.

34 (2) If the rules (~~(or regulations promulgated)~~) adopted under  
35 subsection (1) of this section provide for internal adjudication of  
36 parking infractions, a person charged with a parking infraction who

1 deems himself or herself aggrieved by the final decision in an internal  
2 adjudication may, within ten days after written notice of the final  
3 decision, appeal by filing a written notice thereof with the college or  
4 university police force. Documents relating to the appeal shall  
5 immediately be forwarded to the district court in the county in which  
6 the offense was committed, which court shall have jurisdiction over  
7 such offense and such appeal shall be heard de novo.

8 **Sec. 225.** RCW 28B.10.567 and 1987 c 185 s 2 are each amended to  
9 read as follows:

10 The boards of regents of the state universities and boards of  
11 trustees of the regional universities (~~(and the board of trustees of)~~),  
12 The Evergreen State College, and North Snohomish State College are  
13 authorized and empowered, under such rules (~~(and regulations)~~) as any  
14 such board may prescribe for the duly sworn police officers employed by  
15 any such board as members of a police force established pursuant to RCW  
16 28B.10.550, to provide for the payment of death or disability benefits  
17 or medical expense reimbursement for death, disability, or injury of  
18 any such duly sworn police officer who, in the line of duty, loses his  
19 or her life or becomes disabled or is injured, and for the payment of  
20 such benefits to be made to any such duly sworn police officer or his  
21 or her surviving spouse or the legal guardian of his or her child or  
22 children, as defined in RCW 41.26.030(7), or his or her estate:  
23 PROVIDED, That the duty-related benefits authorized by this section  
24 shall in no event be greater than the benefits authorized on June 25,  
25 1976, for duty-related death, disability, or injury of a law  
26 enforcement officer under chapter 41.26 RCW: PROVIDED FURTHER, That  
27 the duty-related benefits authorized by this section shall be reduced  
28 to the extent of any amounts received or eligible to be received on  
29 account of the duty-related death, disability, or injury to any such  
30 duly sworn police officer, his or her surviving spouse, the legal  
31 guardian of his or her child or children, or his or her estate, under  
32 workers' compensation, social security including the changes  
33 incorporated under Public Law 89-97 as now or hereafter amended, or  
34 disability income insurance and health care plans under chapter 41.05  
35 RCW.

1       **Sec. 226.** RCW 28B.15.628 and 1999 c 82 s 2 are each amended to  
2 read as follows:

3       (1) The legislature finds that military and naval veterans who have  
4 served their country in wars on foreign soil have risked their own  
5 lives to defend both the lives of all Americans and the freedoms that  
6 define and distinguish our nation. It is the intent of the legislature  
7 to honor Persian Gulf combat zone veterans for the public service they  
8 have provided to their country. It is the further intent of the  
9 legislature that, for eligible Persian Gulf combat zone veterans,  
10 institutions of higher education waive tuition and fee increases that  
11 have occurred after the 1990-91 academic year.

12       (2) Subject to the limitations of RCW 28B.15.910, the governing  
13 boards of the state universities, the regional universities, The  
14 Evergreen State College, North Snohomish State College, and the  
15 community colleges may exempt veterans of the Persian Gulf combat zone  
16 from all or a portion of increases in tuition and fees that occur after  
17 the 1990-91 academic year, if the veteran could have qualified as a  
18 Washington resident student under RCW 28B.15.012(2), had he or she been  
19 enrolled as a student on August 1, 1990.

20       (3) For the purposes of this section, "a veteran of the Persian  
21 Gulf combat zone" means a person who served on active duty in the armed  
22 forces of the United States during any portion of the 1991 calendar  
23 year in the Persian Gulf combat zone as designated by executive order  
24 of the president of the United States.

25       **Sec. 227.** RCW 28B.15.725 and 1997 c 433 s 4 are each amended to  
26 read as follows:

27       (1) The governing boards of the state universities, the regional  
28 universities, (~~and~~) The Evergreen State College, and North Snohomish  
29 State College may establish home tuition programs by negotiating home  
30 tuition agreements with an out-of-state institution or consortium of  
31 institutions of higher education if no loss of tuition and fee revenue  
32 occurs as a result of the agreements.

33       (2) Home tuition agreements allow students at Washington state  
34 institutions of higher education to attend an out-of-state institution  
35 of higher education as part of a student exchange. Students  
36 participating in a home tuition program shall pay an amount equal to  
37 their regular, full-time tuition and required fees to either the

1 Washington institution of higher education or the out-of-state  
2 institution of higher education depending upon the provisions of the  
3 particular agreement. Payment of course fees in excess of generally  
4 applicable tuition and required fees must be addressed in each home  
5 tuition agreement to ensure that the instructional programs of the  
6 Washington institution of higher education do not incur additional  
7 uncompensated costs as a result of the exchange.

8 (3) Student participation in a home tuition agreement authorized by  
9 this section is limited to one academic year.

10 (4) Students enrolled under a home tuition agreement shall reside  
11 in Washington state for the duration of the program, may not use the  
12 year of enrollment under this program to establish Washington state  
13 residency, and are not eligible for state financial aid.

14 **Sec. 228.** RCW 28B.15.730 and 1993 sp.s. c 18 s 27 are each amended  
15 to read as follows:

16 Subject to the limitations of RCW 28B.15.910, the state board for  
17 community and technical colleges and the governing boards of the state  
18 universities, the regional universities, the community colleges,  
19 (~~and~~) The Evergreen State College, and North Snohomish State College  
20 may waive all or a portion of the nonresident tuition fees differential  
21 for residents of Oregon, upon completion of and to the extent permitted  
22 by an agreement between the higher education coordinating board and  
23 appropriate officials and agencies in Oregon granting similar waivers  
24 for residents of the state of Washington.

25 **Sec. 229.** RCW 28B.15.740 and 1997 c 207 s 1 are each amended to  
26 read as follows:

27 (1) Subject to the limitations of RCW 28B.15.910, the governing  
28 boards of the state universities, the regional universities, The  
29 Evergreen State College, North Snohomish State College, and the  
30 community colleges may waive all or a portion of tuition and fees for  
31 needy students who are eligible for resident tuition and fee rates  
32 pursuant to RCW 28B.15.012 and 28B.15.013. Subject to the limitations  
33 of RCW 28B.15.910, the governing boards of the state universities, the  
34 regional universities, The Evergreen State College, North Snohomish  
35 State College, and the community colleges may waive all or a portion of  
36 tuition and fees for other students at the discretion of the governing

1 boards, except on the basis of participation in intercollegiate  
2 athletic programs, not to exceed three-fourths of one percent of gross  
3 authorized operating fees revenue under RCW 28B.15.910 for the  
4 community colleges considered as a whole and not to exceed two percent  
5 of gross authorized operating fees revenue for the other institutions  
6 of higher education.

7 (2) In addition to the tuition and fee waivers provided in  
8 subsection (1) of this section and subject to the provisions of RCW  
9 28B.15.455, 28B.15.460, and 28B.15.910, a total dollar amount of  
10 tuition and fee waivers awarded by any state university, regional  
11 university, or state college under this chapter, not to exceed one  
12 percent, as calculated in subsection (1) of this section, may be used  
13 for the purpose of achieving or maintaining gender equity in  
14 intercollegiate athletic programs. At any institution that has an  
15 underrepresented gender class in intercollegiate athletics, any such  
16 waivers shall be awarded:

17 (a) First, to members of the underrepresented gender class who  
18 participate in intercollegiate athletics, where such waivers result in  
19 saved or displaced money that can be used for athletic programs for the  
20 underrepresented gender class. Such saved or displaced money shall be  
21 used for programs for the underrepresented gender class; and

22 (b) Second, (i) to nonmembers of the underrepresented gender class  
23 who participate in intercollegiate athletics, where such waivers result  
24 in saved or displaced money that can be used for athletic programs for  
25 members of the underrepresented gender class. Such saved or displaced  
26 money shall be used for programs for the underrepresented gender class;  
27 or (ii) to members of the underrepresented gender class who participate  
28 in intercollegiate athletics, where such waivers do not result in any  
29 saved or displaced money that can be used for athletic programs for  
30 members of the underrepresented gender class.

31 **Sec. 230.** RCW 28B.15.750 and 1993 sp.s. c 18 s 29 are each amended  
32 to read as follows:

33 Subject to the limitations of RCW 28B.15.910, the governing boards  
34 of the state universities, the regional universities, (~~and~~) The  
35 Evergreen State College, and North Snohomish State College and the  
36 state board for community and technical colleges may waive all or a  
37 portion of the nonresident tuition fees differential for residents of

1 Idaho, upon completion of and to the extent permitted by an agreement  
2 between the higher education coordinating board and appropriate  
3 officials and agencies in Idaho granting similar waivers for residents  
4 of the state of Washington.

5 **Sec. 231.** RCW 28B.15.756 and 1993 sp.s. c 18 s 30 are each amended  
6 to read as follows:

7 Subject to the limitations of RCW 28B.15.910, the governing boards  
8 of the state universities, the regional universities, ~~((and))~~ The  
9 Evergreen State College, and North Snohomish State College and the  
10 state board for community and technical colleges may waive all or a  
11 portion of the nonresident tuition fees differential for residents of  
12 the Canadian province of British Columbia, upon completion of and to  
13 the extent permitted by an agreement between the higher education  
14 coordinating board and appropriate officials and agencies in the  
15 Canadian province of British Columbia providing for enrollment  
16 opportunities for residents of the state of Washington without payment  
17 of tuition or fees in excess of those charged to residents of British  
18 Columbia.

19 **Sec. 232.** RCW 28B.15.820 and 2004 c 275 s 66 are each amended to  
20 read as follows:

21 (1) Each institution of higher education, including technical  
22 colleges, shall deposit a minimum of three and one-half percent of  
23 revenues collected from tuition and services and activities fees in an  
24 institutional financial aid fund that is hereby created and which shall  
25 be held locally. Moneys in the fund shall be used only for the  
26 following purposes: (a) To make guaranteed long-term loans to eligible  
27 students as provided in subsections (3) through (8) of this section;  
28 (b) to make short-term loans as provided in subsection (9) of this  
29 section; or (c) to provide financial aid to needy students as provided  
30 in subsection (10) of this section.

31 (2) An "eligible student" for the purposes of subsections (3)  
32 through (8) and (10) of this section is a student registered for at  
33 least six credit hours or the equivalent, who is eligible for resident  
34 tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and  
35 who is a "needy student" as defined in RCW 28B.92.030.

1 (3) The amount of the guaranteed long-term loans made under this  
2 section shall not exceed the demonstrated financial need of the  
3 student. Each institution shall establish loan terms and conditions  
4 which shall be consistent with the terms of the guaranteed loan program  
5 established by 20 U.S. Code Section 1071 et seq., as now or hereafter  
6 amended. All loans made shall be guaranteed by the Washington student  
7 loan guaranty association or its successor agency. Institutions are  
8 hereby granted full authority to operate as an eligible lender under  
9 the guaranteed loan program.

10 (4) Before approving a guaranteed long-term loan, each institution  
11 shall analyze the ability of the student to repay the loan based on  
12 factors which include, but are not limited to, the student's  
13 accumulated total education loan burdens and the employment  
14 opportunities and average starting salary characteristics of the  
15 student's chosen fields of study. The institution shall counsel the  
16 student on the advisability of acquiring additional debt, and on the  
17 availability of other forms of financial aid.

18 (5) Each institution is responsible for collection of guaranteed  
19 long-term loans made under this section and shall exercise due  
20 diligence in such collection, maintaining all necessary records to  
21 insure that maximum repayments are made. Institutions shall cooperate  
22 with other lenders and the Washington student loan guaranty  
23 association, or its successor agency, in the coordinated collection of  
24 guaranteed loans, and shall assure that the guarantability of the loans  
25 is not violated. Collection and servicing of guaranteed long-term  
26 loans under this section shall be performed by entities approved for  
27 such servicing by the Washington student loan guaranty association or  
28 its successor agency: PROVIDED, That institutions be permitted to  
29 perform such servicing if specifically recognized to do so by the  
30 Washington student loan guaranty association or its successor agency.  
31 Collection and servicing of guaranteed long-term loans made by  
32 community colleges under subsection (1) of this section shall be  
33 coordinated by the state board for community and technical colleges and  
34 shall be conducted under procedures adopted by the state board.

35 (6) Receipts from payment of interest or principal or any other  
36 subsidies to which institutions as lenders are entitled, that are paid  
37 by or on behalf of borrowers of funds under subsections (3) through (8)  
38 of this section, shall be deposited in each institution's financial aid

1 fund and shall be used to cover the costs of making the guaranteed  
2 long-term loans under this section and maintaining necessary records  
3 and making collections under subsection (5) of this section: PROVIDED,  
4 That such costs shall not exceed five percent of aggregate outstanding  
5 loan principal. Institutions shall maintain accurate records of such  
6 costs, and all receipts beyond those necessary to pay such costs, shall  
7 be deposited in the institution's financial aid fund.

8 (7) The governing boards of the state universities, the regional  
9 universities, (~~and~~) The Evergreen State College, and North Snohomish  
10 State College, and the state board for community and technical  
11 colleges, on behalf of the community colleges and technical colleges,  
12 shall each adopt necessary rules (~~and regulations~~) to implement this  
13 section.

14 (8) First priority for any guaranteed long-term loans made under  
15 this section shall be directed toward students who would not normally  
16 have access to educational loans from private financial institutions in  
17 Washington state, and maximum use shall be made of secondary markets in  
18 the support of loan consolidation.

19 (9) Short-term loans, not to exceed one year, may be made from the  
20 institutional financial aid fund to students enrolled in the  
21 institution. No such loan shall be made to any student who is known by  
22 the institution to be in default or delinquent in the payment of any  
23 outstanding student loan. A short-term loan may be made only if the  
24 institution has ample evidence that the student has the capability of  
25 repaying the loan within the time frame specified by the institution  
26 for repayment.

27 (10) Any moneys deposited in the institutional financial aid fund  
28 that are not used in making long-term or short-term loans may be used  
29 by the institution for locally-administered financial aid programs for  
30 needy students, such as need-based institutional employment programs or  
31 need-based tuition and fee scholarship or grant programs. These funds  
32 shall be used in addition to and not to replace institutional funds  
33 that would otherwise support these locally-administered financial aid  
34 programs. First priority in the use of these funds shall be given to  
35 needy students who have accumulated excessive educational loan burdens.  
36 An excessive educational loan burden is a burden that will be difficult  
37 to repay given employment opportunities and average starting salaries  
38 in the student's chosen fields of study. Second priority in the use of

1 these funds shall be given to needy single parents, to assist these  
2 students with their educational expenses, including expenses associated  
3 with child care and transportation.

4 **Sec. 233.** RCW 28B.15.910 and 2004 c 275 s 51 are each amended to  
5 read as follows:

6 (1) For the purpose of providing state general fund support to  
7 public institutions of higher education, except for revenue waived  
8 under programs listed in subsections (3) and (4) of this section, and  
9 unless otherwise expressly provided in the omnibus state appropriations  
10 act, the total amount of operating fees revenue waived, exempted, or  
11 reduced by a state university, a regional university, The Evergreen  
12 State College, North Snohomish State College, or the community colleges  
13 as a whole, shall not exceed the percentage of total gross authorized  
14 operating fees revenue in this subsection. As used in this section,  
15 "gross authorized operating fees revenue" means the estimated gross  
16 operating fees revenue as estimated under RCW 82.33.020 or as revised  
17 by the office of financial management, before granting any waivers.  
18 This limitation applies to all tuition waiver programs established  
19 before or after July 1, 1992.

20	(a) University of Washington	21 percent
21	(b) Washington State University	20 percent
22	(c) Eastern Washington University	11 percent
23	(d) Central Washington University	8 percent
24	(e) Western Washington University	10 percent
25	(f) The Evergreen State College	6 percent
26	(g) <u>North Snohomish State College</u>	<u>6 percent</u>
27	<u>(h)</u> Community colleges as a whole	35 percent

28 (2) The limitations in subsection (1) of this section apply to  
29 waivers, exemptions, or reductions in operating fees contained in the  
30 following:

- 31 (a) RCW 28B.10.265;
- 32 (b) RCW 28B.15.014;
- 33 (c) RCW 28B.15.100;
- 34 (d) RCW 28B.15.225;
- 35 (e) RCW 28B.15.380;
- 36 (f) RCW 28B.15.520;
- 37 (g) RCW 28B.15.526;

- 1 (h) RCW 28B.15.527;
- 2 (i) RCW 28B.15.543;
- 3 (j) RCW 28B.15.545;
- 4 (k) RCW 28B.15.555;
- 5 (l) RCW 28B.15.556;
- 6 (m) RCW 28B.15.615;
- 7 (n) RCW 28B.15.620;
- 8 (o) RCW 28B.15.628;
- 9 (p) RCW 28B.15.730;
- 10 (q) RCW 28B.15.740;
- 11 (r) RCW 28B.15.750;
- 12 (s) RCW 28B.15.756;
- 13 (t) RCW 28B.50.259;
- 14 (u) RCW 28B.70.050; and

15 (v) During the 1997-99 fiscal biennium, the western interstate  
16 commission for higher education undergraduate exchange program for  
17 students attending Eastern Washington University.

18 (3) The limitations in subsection (1) of this section do not apply  
19 to waivers, exemptions, or reductions in services and activities fees  
20 contained in the following:

- 21 (a) RCW 28B.15.522;
- 22 (b) RCW 28B.15.540; and
- 23 (c) RCW 28B.15.558.

24 (4) The total amount of operating fees revenue waived, exempted, or  
25 reduced by institutions of higher education participating in the  
26 western interstate commission for higher education western  
27 undergraduate exchange program under RCW 28B.15.544 shall not exceed  
28 the percentage of total gross authorized operating fees revenue in this  
29 subsection.

- |                                      |           |
|--------------------------------------|-----------|
| 30 (a) Washington State University   | 1 percent |
| 31 (b) Eastern Washington University | 3 percent |
| 32 (c) Central Washington University | 3 percent |

33 **Sec. 234.** RCW 28B.15.915 and 2000 c 152 s 1 are each amended to  
34 read as follows:

35 In addition to waivers granted under the authority of RCW  
36 28B.15.910, the governing boards of the state universities, the  
37 regional universities, The Evergreen State College, North Snohomish

1 State College, and the community colleges, subject to state board  
2 policy, may waive all or a portion of the operating fees for any  
3 student. There shall be no state general fund support for waivers  
4 granted under this section.

5 By January 31st of each odd-numbered year, the institutions of  
6 higher education shall prepare a report of the costs and benefits of  
7 waivers granted under chapter 152, Laws of 2000 and shall transmit  
8 copies of their report to the appropriate policy and fiscal committees  
9 of the legislature.

10 **Sec. 235.** RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended  
11 to read as follows:

12 Within thirty-five days from the date of collection thereof all  
13 building fees of each regional university (~~and~~), The Evergreen State  
14 College, and North Snohomish State College shall be paid into the state  
15 treasury and these together with such normal school fund revenues as  
16 provided in RCW 28B.35.751 as are received by the state treasury shall  
17 be credited as follows:

18 (1) On or before June 30th of each year the board of trustees of  
19 each regional university (~~and~~), The Evergreen State College, and  
20 North Snohomish State College, if issuing bonds payable out of its  
21 building fees and above described normal school fund revenues, shall  
22 certify to the state treasurer the amounts required in the ensuing  
23 twelve months to pay and secure the payment of the principal of and  
24 interest on such bonds. The amounts so certified by each regional  
25 university (~~and~~), The Evergreen State College, and North Snohomish  
26 State College shall be a prior lien and charge against all building  
27 fees and above described normal school fund revenues of such  
28 institution. The state treasurer shall thereupon deposit the amounts  
29 so certified in the Eastern Washington University capital projects  
30 account, the Central Washington University capital projects account,  
31 the Western Washington University capital projects account, (~~or~~) The  
32 Evergreen State College capital projects account, or the North  
33 Snohomish State College capital projects account respectively, which  
34 accounts are hereby created in the state treasury. The amounts  
35 deposited in the respective capital projects accounts shall be used  
36 exclusively to pay and secure the payment of the principal of and  
37 interest on the building bonds issued by such regional universities

1 ((and)), The Evergreen State College, and North Snohomish State College  
2 as authorized by law. If in any twelve month period it shall appear  
3 that the amount certified by any such board of trustees is insufficient  
4 to pay and secure the payment of the principal of and interest on the  
5 outstanding building and above described normal school fund revenue  
6 bonds of its institution, the state treasurer shall notify the board of  
7 trustees and such board shall adjust its certificate so that all  
8 requirements of moneys to pay and secure the payment of the principal  
9 of and interest on all such bonds then outstanding shall be fully met  
10 at all times.

11 (2) All normal school fund revenue pursuant to RCW 28B.35.751 shall  
12 be deposited in the Eastern Washington University capital projects  
13 account, the Central Washington University capital projects account,  
14 the Western Washington University capital projects account, ((~~or~~)) The  
15 Evergreen State College capital projects account, or the North  
16 Snohomish State College capital projects account respectively, which  
17 accounts are hereby created in the state treasury. The sums deposited  
18 in the respective capital projects accounts shall be appropriated and  
19 expended exclusively to pay and secure the payment of the principal of  
20 and interest on bonds payable out of the building fees and normal  
21 school revenue and for the construction, reconstruction, erection,  
22 equipping, maintenance, demolition, and major alteration of buildings  
23 and other capital assets, and the acquisition of sites, rights-of-way,  
24 easements, improvements, or appurtenances in relation thereto except  
25 for any sums transferred therefrom as authorized by law.

26 **Sec. 236.** RCW 28B.35.700 and 1985 c 390 s 48 are each amended to  
27 read as follows:

28 The boards of trustees of the regional universities ((~~and of~~)), The  
29 Evergreen State College, and North Snohomish State College are  
30 empowered in accordance with the provisions of RCW 28B.35.700 through  
31 28B.35.790, to provide for the construction, completion,  
32 reconstruction, remodeling, rehabilitation, and improvement of  
33 buildings and facilities authorized by the legislature for the use of  
34 the ((~~mentioned~~)) regional universities ((and)), The Evergreen  
35 State College, and North Snohomish State College and to finance the  
36 payment thereof by bonds payable out of special funds from revenues

1 hereafter derived from the payment of building fees, gifts, bequests,  
2 or grants and such additional funds as the legislature may provide.

3 **Sec. 237.** RCW 28B.35.710 and 1985 c 390 s 49 are each amended to  
4 read as follows:

5 The following terms, whenever used or referred to in RCW 28B.35.700  
6 through 28B.35.790, shall have the following meaning, excepting in  
7 those instances where the context clearly indicates otherwise:

8 (1) (~~The word~~) "Boards" means the boards of trustees of the  
9 regional universities (~~and~~), The Evergreen State College, and North  
10 Snohomish State College.

11 (2) (~~The words~~) "Building fees" means the building fees charged  
12 students registering at each college, but shall not mean the special  
13 tuition or other fees charged such students or fees, charges, rentals,  
14 and other income derived from any or all revenue-producing lands,  
15 buildings, and facilities of the respective colleges, heretofore or  
16 hereafter acquired, constructed, or installed, including but not  
17 limited to income from rooms, dormitories, dining rooms, hospitals,  
18 infirmaries, housing or student activity buildings, vehicular parking  
19 facilities, land, or the appurtenances thereon.

20 (3) (~~The words~~) "Bond retirement funds" (~~shall~~) means the  
21 special funds created by law and known as the Eastern Washington  
22 University bond retirement fund, Central Washington University bond  
23 retirement fund, Western Washington University bond retirement fund,  
24 (~~and~~) The Evergreen State College bond retirement fund, the North  
25 Snohomish State College bond retirement fund, all as referred to in RCW  
26 28B.35.370.

27 (4) (~~The word~~) "Bonds" means the bonds payable out of the bond  
28 retirement funds.

29 (5) (~~The word~~) "Projects" means the construction, completion,  
30 reconstruction, remodeling, rehabilitation, or improvement of any  
31 building or other facility of any of the aforementioned colleges  
32 authorized by the legislature at any time and to be financed by the  
33 issuance and sale of bonds.

34 **Sec. 238.** RCW 28B.35.790 and 1977 ex.s. c 169 s 91 are each  
35 amended to read as follows:

36 RCW 28B.35.700 through 28B.35.790 (~~as now or hereafter amended~~)

1 is concurrent with other legislation with reference to providing funds  
2 for the construction of buildings at the regional universities (~~(or)~~),  
3 The Evergreen State College, or North Snohomish State College and is  
4 not to be construed as repealing or limiting any existing provision of  
5 law with reference thereto.

6 **Sec. 239.** RCW 28B.40.010 and 1977 ex.s. c 169 s 64 are each  
7 amended to read as follows:

8 (~~The only state college in Washington shall be~~) The Evergreen  
9 State College in Thurston county(~~, The Evergreen State College~~) shall  
10 be one of the state colleges in Washington.

11 **Sec. 240.** RCW 28B.65.030 and 1983 1st ex.s. c 72 s 4 are each  
12 amended to read as follows:

13 A Washington state high-technology education and training program  
14 is hereby established. The program shall be designed to:

15 (1) Develop the competence needed to make Washington state a leader  
16 in high-technology fields, to increase the productivity of state  
17 industries, and to improve the state's competitiveness in regional,  
18 national, and international trade;

19 (2) Develop degree programs to enable students to be productive in  
20 new and emerging high-technology fields by using the resources of the  
21 state's two-year community colleges, regional universities, the  
22 University of Washington, Washington State University, (~~and~~) The  
23 Evergreen State College, and North Snohomish State College; and

24 (3) Provide industries in the state with a highly-skilled work  
25 force capable of producing, operating, and servicing the advancing  
26 technology needed to modernize the state's industries and to revitalize  
27 the state's economy.

28 **Sec. 241.** RCW 28B.76.020 and 1985 c 370 s 2 are each amended to  
29 read as follows:

30 For the purposes of this chapter:

31 (1) "Board" means the higher education coordinating board; and

32 (2) "Four-year institutions" means the University of Washington,  
33 Washington State University, Central Washington University, Eastern  
34 Washington University, Western Washington University, (~~and~~) The  
35 Evergreen State College, and North Snohomish State College.

1       **Sec. 242.** RCW 28B.76.100 and 2004 c 275 s 2 are each amended to  
2 read as follows:

3       (1) The board shall establish an advisory council consisting of:  
4 The superintendent of public instruction; a representative of the state  
5 board of education appointed by the state board of education; a  
6 representative of the two-year system of the state board for community  
7 and technical colleges appointed by the state board for community and  
8 technical colleges; a representative of the work force training and  
9 education coordinating board appointed by the work force training and  
10 education coordinating board; one representative of the research  
11 universities appointed by the president of the University of Washington  
12 and the president of Washington State University; a representative of  
13 the regional universities (~~and~~), The Evergreen State College, and  
14 North Snohomish State College appointed through a process developed by  
15 the council of presidents; a representative of the faculty for the  
16 four-year institutions appointed by the council of faculty  
17 representatives; a representative of the proprietary schools appointed  
18 by the federation of private career schools and colleges; a  
19 representative of the independent colleges appointed by the independent  
20 colleges of Washington; and a faculty member in the community and  
21 technical college system appointed by the state board for community and  
22 technical colleges in consultation with the faculty unions.

23       (2) The members of the advisory council shall each serve a two-year  
24 term except for the superintendent of public instruction, whose term is  
25 concurrent with his or her term of office.

26       (3) The board shall meet with the advisory council at least  
27 quarterly and shall seek advice from the council regarding the board's  
28 discharge of its statutory responsibilities.

29       **Sec. 243.** RCW 28B.110.020 and 1989 c 341 s 2 are each amended to  
30 read as follows:

31       For purposes of this chapter, "institutions of higher education" or  
32 "institutions" include the state universities, regional universities,  
33 The Evergreen State College, North Snohomish State College, and the  
34 community colleges.

35       **Sec. 244.** RCW 34.05.010 and 1997 c 126 s 2 are each amended to  
36 read as follows:

1 The definitions set forth in this section shall apply throughout  
2 this chapter, unless the context clearly requires otherwise.

3 (1) "Adjudicative proceeding" means a proceeding before an agency  
4 in which an opportunity for hearing before that agency is required by  
5 statute or constitutional right before or after the entry of an order  
6 by the agency. Adjudicative proceedings also include all cases of  
7 licensing and rate making in which an application for a license or rate  
8 change is denied except as limited by RCW 66.08.150, or a license is  
9 revoked, suspended, or modified, or in which the granting of an  
10 application is contested by a person having standing to contest under  
11 the law.

12 (2) "Agency" means any state board, commission, department,  
13 institution of higher education, or officer, authorized by law to make  
14 rules or to conduct adjudicative proceedings, except those in the  
15 legislative or judicial branches, the governor, or the attorney general  
16 except to the extent otherwise required by law and any local  
17 governmental entity that may request the appointment of an  
18 administrative law judge under chapter 42.41 RCW.

19 (3) "Agency action" means licensing, the implementation or  
20 enforcement of a statute, the adoption or application of an agency rule  
21 or order, the imposition of sanctions, or the granting or withholding  
22 of benefits.

23 Agency action does not include an agency decision regarding (a)  
24 contracting or procurement of goods, services, public works, and the  
25 purchase, lease, or acquisition by any other means, including eminent  
26 domain, of real estate, as well as all activities necessarily related  
27 to those functions, or (b) determinations as to the sufficiency of a  
28 showing of interest filed in support of a representation petition, or  
29 mediation or conciliation of labor disputes or arbitration of labor  
30 disputes under a collective bargaining law or similar statute, or (c)  
31 any sale, lease, contract, or other proprietary decision in the  
32 management of public lands or real property interests, or (d) the  
33 granting of a license, franchise, or permission for the use of  
34 trademarks, symbols, and similar property owned or controlled by the  
35 agency.

36 (4) "Agency head" means the individual or body of individuals in  
37 whom the ultimate legal authority of the agency is vested by any

1 provision of law. If the agency head is a body of individuals, a  
2 majority of those individuals constitutes the agency head.

3 (5) "Entry" of an order means the signing of the order by all  
4 persons who are to sign the order, as an official act indicating that  
5 the order is to be effective.

6 (6) "Filing" of a document that is required to be filed with an  
7 agency means delivery of the document to a place designated by the  
8 agency by rule for receipt of official documents, or in the absence of  
9 such designation, at the office of the agency head.

10 (7) "Institutions of higher education" are the University of  
11 Washington, Washington State University, Central Washington University,  
12 Eastern Washington University, Western Washington University, The  
13 Evergreen State College, North Snohomish State College, the various  
14 community colleges, and the governing boards of each of the ((above))  
15 institutions, and the various colleges, divisions, departments, or  
16 offices authorized by the governing board of the institution involved  
17 to act for the institution, all of which are sometimes referred to in  
18 this chapter as "institutions."

19 (8) "Interpretive statement" means a written expression of the  
20 opinion of an agency, entitled an interpretive statement by the agency  
21 head or its designee, as to the meaning of a statute or other provision  
22 of law, of a court decision, or of an agency order.

23 (9)(a) "License" means a franchise, permit, certification,  
24 approval, registration, charter, or similar form of authorization  
25 required by law, but does not include (i) a license required solely for  
26 revenue purposes, or (ii) a certification of an exclusive bargaining  
27 representative, or similar status, under a collective bargaining law or  
28 similar statute, or (iii) a license, franchise, or permission for use  
29 of trademarks, symbols, and similar property owned or controlled by the  
30 agency.

31 (b) "Licensing" includes the agency process respecting the  
32 issuance, denial, revocation, suspension, or modification of a license.

33 (10) "Mail" or "send," for purposes of any notice relating to rule  
34 making or policy or interpretive statements, means regular mail or  
35 electronic distribution, as provided in RCW 34.05.260. "Electronic  
36 distribution" or "electronically" means distribution by electronic mail  
37 or facsimile mail.

1 (11)(a) "Order," without further qualification, means a written  
2 statement of particular applicability that finally determines the legal  
3 rights, duties, privileges, immunities, or other legal interests of a  
4 specific person or persons.

5 (b) "Order of adoption" means the official written statement by  
6 which an agency adopts, amends, or repeals a rule.

7 (12) "Party to agency proceedings," or "party" in a context so  
8 indicating, means:

9 (a) A person to whom the agency action is specifically directed; or

10 (b) A person named as a party to the agency proceeding or allowed  
11 to intervene or participate as a party in the agency proceeding.

12 (13) "Party to judicial review or civil enforcement proceedings,"  
13 or "party" in a context so indicating, means:

14 (a) A person who files a petition for a judicial review or civil  
15 enforcement proceeding; or

16 (b) A person named as a party in a judicial review or civil  
17 enforcement proceeding, or allowed to participate as a party in a  
18 judicial review or civil enforcement proceeding.

19 (14) "Person" means any individual, partnership, corporation,  
20 association, governmental subdivision or unit thereof, or public or  
21 private organization or entity of any character, and includes another  
22 agency.

23 (15) "Policy statement" means a written description of the current  
24 approach of an agency, entitled a policy statement by the agency head  
25 or its designee, to implementation of a statute or other provision of  
26 law, of a court decision, or of an agency order, including where  
27 appropriate the agency's current practice, procedure, or method of  
28 action based upon that approach.

29 (16) "Rule" means any agency order, directive, or regulation of  
30 general applicability (a) the violation of which subjects a person to  
31 a penalty or administrative sanction; (b) which establishes, alters, or  
32 revokes any procedure, practice, or requirement relating to agency  
33 hearings; (c) which establishes, alters, or revokes any qualification  
34 or requirement relating to the enjoyment of benefits or privileges  
35 conferred by law; (d) which establishes, alters, or revokes any  
36 qualifications or standards for the issuance, suspension, or revocation  
37 of licenses to pursue any commercial activity, trade, or profession; or  
38 (e) which establishes, alters, or revokes any mandatory standards for

1 any product or material which must be met before distribution or sale.  
2 The term includes the amendment or repeal of a prior rule, but does not  
3 include (i) statements concerning only the internal management of an  
4 agency and not affecting private rights or procedures available to the  
5 public, (ii) declaratory rulings issued pursuant to RCW 34.05.240,  
6 (iii) traffic restrictions for motor vehicles, bicyclists, and  
7 pedestrians established by the secretary of transportation or his or  
8 her designee where notice of such restrictions is given by official  
9 traffic control devices, or (iv) rules of institutions of higher  
10 education involving standards of admission, academic advancement,  
11 academic credit, graduation and the granting of degrees, employment  
12 relationships, or fiscal processes.

13 (17) "Rules review committee" or "committee" means the joint  
14 administrative rules review committee created pursuant to RCW 34.05.610  
15 for the purpose of selectively reviewing existing and proposed rules of  
16 state agencies.

17 (18) "Rule making" means the process for formulation and adoption  
18 of a rule.

19 (19) "Service," except as otherwise provided in this chapter, means  
20 posting in the United States mail, properly addressed, postage prepaid,  
21 or personal service. Service by mail is complete upon deposit in the  
22 United States mail. Agencies may, by rule, authorize service by  
23 electronic telefacsimile transmission, where copies are mailed  
24 simultaneously, or by commercial parcel delivery company.

25 **Sec. 245.** RCW 39.19.020 and 1996 c 69 s 4 are each amended to read  
26 as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29 (1) "Advisory committee" means the advisory committee on minority  
30 and women's business enterprises.

31 (2) "Broker" means a person that provides a bona fide service, such  
32 as professional, technical, consultant, brokerage, or managerial  
33 services and assistance in the procurement of essential personnel,  
34 facilities, equipment, materials, or supplies required for performance  
35 of a contract.

36 (3) "Director" means the director of the office of minority and  
37 women's business enterprises.

1 (4) "Educational institutions" means the state universities, the  
2 regional universities, The Evergreen State College, North Snohomish  
3 State College, and the community colleges.

4 (5) "Goals" means annual overall agency goals, expressed as a  
5 percentage of dollar volume, for participation by minority and women-  
6 owned and controlled businesses and shall not be construed as a minimum  
7 goal for any particular contract or for any particular geographical  
8 area. It is the intent of this chapter that such overall agency goals  
9 shall be achievable and shall be met on a contract-by-contract or  
10 class-of-contract basis.

11 (6) "Goods and/or services" includes professional services and all  
12 other goods and services.

13 (7) "Office" means the office of minority and women's business  
14 enterprises.

15 (8) "Person" includes one or more individuals, partnerships,  
16 associations, organizations, corporations, cooperatives, legal  
17 representatives, trustees and receivers, or any group of persons.

18 (9) "Procurement" means the purchase, lease, or rental of any goods  
19 or services.

20 (10) "Public works" means all work, construction, highway and ferry  
21 construction, alteration, repair, or improvement other than ordinary  
22 maintenance, which a state agency or educational institution is  
23 authorized or required by law to undertake.

24 (11) "State agency" includes the state of Washington and all  
25 agencies, departments, offices, divisions, boards, commissions, and  
26 correctional and other types of institutions.

27 **Sec. 246.** RCW 39.90.060 and 1977 ex.s. c 169 s 93 are each amended  
28 to read as follows:

29 All debts, contracts and obligations heretofore made or incurred by  
30 or in favor of the state, state agencies, The Evergreen State College,  
31 North Snohomish State College, community colleges, and regional and  
32 state universities, and the political subdivisions, municipal  
33 corporations, and quasi municipal corporations of this state, are  
34 hereby declared to be legal and valid and of full force and effect from  
35 the date thereof, regardless of the interest rate borne by any such  
36 debts, contracts, and obligations.

1       **Sec. 247.** RCW 40.04.040 and 1995 c 24 s 3 are each amended to read  
2 as follows:

3       Permanent session laws shall be distributed, sold, and exchanged by  
4 the statute law committee as follows:

5       (1) Copies shall be given as follows: One to each requesting  
6 United States senator and representative in congress from this state;  
7 two to the Library of Congress; one to the United States supreme court  
8 library; three to the library of the circuit court of appeals of the  
9 ninth circuit; two to each United States district court room within  
10 this state; two to each office and branch office of the United States  
11 district attorneys in this state; one to each requesting state official  
12 whose office is created by the Constitution; one each to the secretary  
13 of the senate and the chief clerk of the house of representatives and  
14 such additional copies as they may request; fourteen copies to the code  
15 reviser; two copies to the state library; two copies each to the law  
16 libraries of any accredited law schools established in this state; one  
17 copy to each state adult correctional institution; and one copy to each  
18 state mental institution.

19       (2) Copies, for official use only, shall be distributed as follows:  
20 Two copies to the governor; one each to the state historical society  
21 and the state bar association; and one copy to each prosecuting  
22 attorney.

23       Sufficient copies shall be furnished for the use of the supreme  
24 court, the court of appeals, the superior courts, and the state law  
25 library as from time to time are requested. One copy to the University  
26 of Washington library; one copy to the library of each of the regional  
27 universities ~~((and to))~~, The Evergreen State College, and North  
28 Snohomish State College; and one copy to the Washington State  
29 University library. Six copies shall be sent to the King county law  
30 library, and one copy to each of the county law libraries organized  
31 pursuant to law; one copy to each public library in cities of the first  
32 class, and one copy to the municipal reference branch of the Seattle  
33 public library.

34       (3) Surplus copies of the session laws shall be sold and delivered  
35 by the statute law committee, in which case the price of the bound  
36 volumes shall be sufficient to cover costs. All moneys received from  
37 the sale of such bound volumes of session laws shall be paid into the  
38 state treasury for the general fund.

1 (4) The statute law committee may exchange bound copies of the  
2 session laws for similar laws or legal materials of other states,  
3 territories, and governments, and make such other and further  
4 distribution of the bound volumes as in its judgment seems proper.

5 **Sec. 248.** RCW 40.04.090 and 1995 c 24 s 4 are each amended to read  
6 as follows:

7 The house and senate journals shall be distributed and sold by the  
8 chief clerk of the house of representatives and the secretary of the  
9 senate as follows:

10 (1) Subject to subsection (5) of this section, sets shall be  
11 distributed as follows: One to each requesting official whose office  
12 is created by the Constitution, and one to each requesting state  
13 department director; two copies to the state library; ten copies to the  
14 state law library; two copies to the University of Washington library;  
15 one to the King county law library; one to the Washington State  
16 University library; one to the library of each of the regional  
17 universities ~~((and to))~~, The Evergreen State College, and North  
18 Snohomish State College; one each to the law library of any accredited  
19 law school in this state; and one to each free public library in the  
20 state that requests it.

21 (2) House and senate journals of the preceding regular session  
22 during an odd- or even-numbered year, and of any intervening special  
23 session, shall be provided for use of legislators and legislative staff  
24 in such numbers as directed by the chief clerk of the house of  
25 representatives and secretary of the senate.

26 (3) Surplus sets of the house and senate journals shall be sold and  
27 delivered by the chief clerk of the house of representatives and the  
28 secretary of the senate at a price set by them after consulting with  
29 the state printer to determine reasonable costs associated with the  
30 production of the journals, and the proceeds therefrom shall be paid to  
31 the state treasurer for the general fund.

32 (4) The chief clerk of the house of representatives and the  
33 secretary of the senate may exchange copies of the house and senate  
34 journals for similar journals of other states, territories, and  
35 governments, or for other legal materials, and make such other and  
36 further distribution of them as in their judgment seems proper.

1 (5) Periodically the chief clerk of the house of representatives  
2 and the secretary of the senate may canvas those entitled to receive  
3 copies under this section, and may reduce or eliminate the number of  
4 copies distributed to anyone who so concurs.

5 **Sec. 249.** RCW 40.06.040 and 2002 c 342 s 6 are each amended to  
6 read as follows:

7 To provide economical public access to state publications, the  
8 center may enter into depository contracts with any free public  
9 library, The Evergreen State College, North Snohomish State College,  
10 regional university, or state university library, or, if needed, the  
11 library of any privately incorporated college or university in this  
12 state. The requirements for eligibility to contract as a depository  
13 library shall be established by the secretary of state upon  
14 recommendations of the state librarian. The standards shall include  
15 and take into consideration the type of library, available housing and  
16 space for the publications, the number and qualifications of personnel,  
17 and availability for public use. The center may also contract with  
18 public, out-of-state libraries for the exchange of state and other  
19 publications on a reciprocal basis. Any state publication to be  
20 distributed to the public and the legislature shall be mailed at the  
21 lowest available postal rate.

22 **Sec. 250.** RCW 41.04.340 and 2002 c 354 s 227 are each amended to  
23 read as follows:

24 (1) An attendance incentive program is established for all eligible  
25 employees. As used in this section (~~(the term)~~), "eligible employee"  
26 means any employee of the state, other than eligible employees of the  
27 community and technical colleges and the state board for community and  
28 technical colleges identified in RCW 28B.50.553, and teaching and  
29 research faculty at the state and regional universities (~~(and)~~), The  
30 Evergreen State College, and North Snohomish State College, entitled to  
31 accumulate sick leave and for whom accurate sick leave records have  
32 been maintained. No employee may receive compensation under this  
33 section for any portion of sick leave accumulated at a rate in excess  
34 of one day per month. The state and regional universities (~~(and)~~), The  
35 Evergreen State College, and North Snohomish State College shall

1 maintain complete and accurate sick leave records for all teaching and  
2 research faculty.

3 (2) In January of the year following any year in which a minimum of  
4 sixty days of sick leave is accrued, and each January thereafter, any  
5 eligible employee may receive remuneration for unused sick leave  
6 accumulated in the previous year at a rate equal to one day's monetary  
7 compensation of the employee for each four full days of accrued sick  
8 leave in excess of sixty days. Sick leave for which compensation has  
9 been received shall be deducted from accrued sick leave at the rate of  
10 four days for every one day's monetary compensation.

11 (3) At the time of separation from state service due to retirement  
12 or death, an eligible employee or the employee's estate may elect to  
13 receive remuneration at a rate equal to one day's current monetary  
14 compensation of the employee for each four full days of accrued sick  
15 leave.

16 (4) Remuneration or benefits received under this section shall not  
17 be included for the purpose of computing a retirement allowance under  
18 any public retirement system in this state.

19 (5) Except as provided in subsections (7) through (9) of this  
20 section for employees not covered by chapter 41.06 RCW, this section  
21 shall be administered, and rules shall be adopted to carry out its  
22 purposes, by the director of personnel for persons subject to chapter  
23 41.06 RCW: PROVIDED, That determination of classes of eligible  
24 employees shall be subject to approval by the office of financial  
25 management.

26 (6) Should the legislature revoke any remuneration or benefits  
27 granted under this section, no affected employee shall be entitled  
28 thereafter to receive such benefits as a matter of contractual right.

29 (7) In lieu of remuneration for unused sick leave at retirement as  
30 provided in subsection (3) of this section, an agency head or designee  
31 may with equivalent funds, provide eligible employees with a benefit  
32 plan that provides for reimbursement for medical expenses. This plan  
33 shall be implemented only after consultation with affected groups of  
34 employees. For eligible employees covered by chapter 41.06 RCW,  
35 procedures for the implementation of these plans shall be adopted by  
36 the director of personnel. For eligible employees exempt from chapter  
37 41.06 RCW, and classified employees who have opted out of coverage of

1 chapter 41.06 RCW as provided in RCW 41.56.201, implementation  
2 procedures shall be adopted by an agency head having jurisdiction over  
3 the employees.

4 (8) Implementing procedures adopted by the director of personnel or  
5 agency heads shall require that each medical expense plan authorized by  
6 subsection (7) of this section apply to all eligible employees in any  
7 one of the following groups: (a) Employees in an agency; (b) employees  
8 in a major organizational subdivision of an agency; (c) employees at a  
9 major operating location of an agency; (d) exempt employees under the  
10 jurisdiction of an elected or appointed Washington state executive; (e)  
11 employees of the Washington state senate; (f) employees of the  
12 Washington state house of representatives; (g) classified employees in  
13 a bargaining unit established by the director of personnel; or (h)  
14 other group of employees defined by an agency head that is not designed  
15 to provide an individual-employee choice regarding participation in a  
16 medical expense plan. However, medical expense plans for eligible  
17 employees in any of the groups under (a) through (h) of this subsection  
18 who are covered by a collective bargaining agreement shall be  
19 implemented only by written agreement with the bargaining unit's  
20 exclusive representative and a separate medical expense plan may be  
21 provided for unrepresented employees.

22 (9) Medical expense plans authorized by subsection (7) of this  
23 section must require as a condition of participation in the plan that  
24 employees in the group affected by the plan sign an agreement with the  
25 employer. The agreement must include a provision to hold the employer  
26 harmless should the United States government find that the employer or  
27 the employee is in debt to the United States as a result of the  
28 employee not paying income taxes due on the equivalent funds placed  
29 into the plan, or as a result of the employer not withholding or  
30 deducting a tax, assessment, or other payment on the funds as required  
31 by federal law. The agreement must also include a provision that  
32 requires an eligible employee to forfeit remuneration under subsection  
33 (3) of this section if the employee belongs to a group that has been  
34 designated to participate in the medical expense plan permitted under  
35 this section and the employee refuses to execute the required  
36 agreement.

1       **Sec. 251.** RCW 41.06.020 and 1993 c 281 s 19 are each amended to  
2 read as follows:

3       Unless the context clearly indicates otherwise, the words used in  
4 this chapter have the meaning given in this section.

5       (1) "Agency" means an office, department, board, commission, or  
6 other separate unit or division, however designated, of the state  
7 government and all personnel thereof; it includes any unit of state  
8 government established by law, the executive officer or members of  
9 which are either elected or appointed, upon which the statutes confer  
10 powers and impose duties in connection with operations of either a  
11 governmental or proprietary nature.

12       (2) "Board" means the Washington personnel resources board  
13 established under the provisions of RCW 41.06.110, except that this  
14 definition does not apply to the words "board" or "boards" when used in  
15 RCW 41.06.070.

16       (3) "Classified service" means all positions in the state service  
17 subject to the provisions of this chapter.

18       (4) "Competitive service" means all positions in the classified  
19 service for which a competitive examination is required as a condition  
20 precedent to appointment.

21       (5) "Comparable worth" means the provision of similar salaries for  
22 positions that require or impose similar responsibilities, judgments,  
23 knowledge, skills, and working conditions.

24       (6) "Noncompetitive service" means all positions in the classified  
25 service for which a competitive examination is not required.

26       (7) "Department" means an agency of government that has as its  
27 governing officer a person, or combination of persons such as a  
28 commission, board, or council, by law empowered to operate the agency  
29 responsible either to (a) no other public officer or (b) the governor.

30       (8) "Career development" means the progressive development of  
31 employee capabilities to facilitate productivity, job satisfaction, and  
32 upward mobility through work assignments as well as education and  
33 training that are both state-sponsored and are achieved by individual  
34 employee efforts, all of which shall be consistent with the needs and  
35 obligations of the state and its agencies.

36       (9) "Training" means activities designed to develop job-related  
37 knowledge and skills of employees.

1 (10) "Director" means the director of personnel appointed under the  
2 provisions of RCW 41.06.130.

3 (11) "Affirmative action" means a procedure by which racial  
4 minorities, women, persons in the protected age category, persons with  
5 disabilities, Vietnam-era veterans, and disabled veterans are provided  
6 with increased employment opportunities. It shall not mean any sort of  
7 quota system.

8 (12) "Institutions of higher education" means the University of  
9 Washington, Washington State University, Central Washington University,  
10 Eastern Washington University, Western Washington University, The  
11 Evergreen State College, North Snohomish State College, and the various  
12 state community colleges.

13 (13) "Related boards" means the state board for community and  
14 technical colleges; and such other boards, councils, and commissions  
15 related to higher education as may be established.

16 **Sec. 252.** RCW 41.40.108 and 1991 c 35 s 107 are each amended to  
17 read as follows:

18 (1) All classified employees employed by Washington State  
19 University on and after April 24, 1973, and otherwise eligible shall  
20 become members of the Washington public employees' retirement system to  
21 the exclusion of any other retirement benefit system at the institution  
22 unless otherwise provided by law.

23 (2) All classified employees employed by the University of  
24 Washington ~~((or))~~, each of the regional universities ~~((or))~~, The  
25 Evergreen State College, or North Snohomish State College, on and after  
26 May 6, 1974, and otherwise eligible shall become members of the  
27 Washington public employees' retirement system at the institution  
28 unless otherwise provided by law: PROVIDED, That persons who,  
29 immediately prior to the date of their hiring as classified employees,  
30 have for at least two consecutive years held membership in a retirement  
31 plan underwritten by the private insurer of the retirement plan of  
32 their respective educational institution may irrevocably elect to  
33 continue their membership in the retirement plan notwithstanding the  
34 provisions of this chapter, if the election is made within thirty days  
35 from the date of their hiring as classified employees. If these  
36 persons elect to become members of the public employees' retirement

1 system, contributions by them and their employers shall be required  
2 from their first day of employment.

3 **Sec. 253.** RCW 41.56.030 and 2004 c 3 s 6 are each amended to read  
4 as follows:

5 As used in this chapter:

6 (1) "Public employer" means any officer, board, commission,  
7 council, or other person or body acting on behalf of any public body  
8 governed by this chapter, or any subdivision of such public body. For  
9 the purposes of this section, the public employer of district court or  
10 superior court employees for wage-related matters is the respective  
11 county legislative authority, or person or body acting on behalf of the  
12 legislative authority, and the public employer for nonwage-related  
13 matters is the judge or judge's designee of the respective district  
14 court or superior court.

15 (2) "Public employee" means any employee of a public employer  
16 except any person (a) elected by popular vote, or (b) appointed to  
17 office pursuant to statute, ordinance, or resolution for a specified  
18 term of office as a member of a multimember board, commission, or  
19 committee, whether appointed by the executive head or body of the  
20 public employer, or (c) whose duties as deputy, administrative  
21 assistant, or secretary necessarily imply a confidential relationship  
22 to (i) the executive head or body of the applicable bargaining unit, or  
23 (ii) any person elected by popular vote, or (iii) any person appointed  
24 to office pursuant to statute, ordinance, or resolution for a specified  
25 term of office as a member of a multimember board, commission, or  
26 committee, whether appointed by the executive head or body of the  
27 public employer, or (d) who is a court commissioner or a court  
28 magistrate of superior court, district court, or a department of a  
29 district court organized under chapter 3.46 RCW, or (e) who is a  
30 personal assistant to a district court judge, superior court judge, or  
31 court commissioner, or (f) excluded from a bargaining unit under RCW  
32 41.56.201(2)(a). For the purpose of (e) of this subsection, no more  
33 than one assistant for each judge or commissioner may be excluded from  
34 a bargaining unit.

35 (3) "Bargaining representative" means any lawful organization which  
36 has as one of its primary purposes the representation of employees in  
37 their employment relations with employers.

1 (4) "Collective bargaining" means the performance of the mutual  
2 obligations of the public employer and the exclusive bargaining  
3 representative to meet at reasonable times, to confer and negotiate in  
4 good faith, and to execute a written agreement with respect to  
5 grievance procedures and collective negotiations on personnel matters,  
6 including wages, hours, and working conditions, which may be peculiar  
7 to an appropriate bargaining unit of such public employer, except that  
8 by such obligation neither party shall be compelled to agree to a  
9 proposal or be required to make a concession unless otherwise provided  
10 in this chapter.

11 (5) "Commission" means the public employment relations commission.

12 (6) "Executive director" means the executive director of the  
13 commission.

14 (7) "Uniformed personnel" means: (a) Law enforcement officers as  
15 defined in RCW 41.26.030 employed by the governing body of any city or  
16 town with a population of two thousand five hundred or more and law  
17 enforcement officers employed by the governing body of any county with  
18 a population of ten thousand or more; (b) correctional employees who  
19 are uniformed and nonuniformed, commissioned and noncommissioned  
20 security personnel employed in a jail as defined in RCW 70.48.020(5),  
21 by a county with a population of seventy thousand or more, and who are  
22 trained for and charged with the responsibility of controlling and  
23 maintaining custody of inmates in the jail and safeguarding inmates  
24 from other inmates; (c) general authority Washington peace officers as  
25 defined in RCW 10.93.020 employed by a port district in a county with  
26 a population of one million or more; (d) security forces established  
27 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW  
28 41.26.030; (f) employees of a port district in a county with a  
29 population of one million or more whose duties include crash fire  
30 rescue or other fire fighting duties; (g) employees of fire departments  
31 of public employers who dispatch exclusively either fire or emergency  
32 medical services, or both; or (h) employees in the several classes of  
33 advanced life support technicians, as defined in RCW 18.71.200, who are  
34 employed by a public employer.

35 (8) "Institution of higher education" means the University of  
36 Washington, Washington State University, Central Washington University,  
37 Eastern Washington University, Western Washington University, The

1 Evergreen State College, North Snohomish State College, and the various  
2 state community colleges.

3 (9) "Home care quality authority" means the authority under chapter  
4 74.39A RCW.

5 (10) "Individual provider" means an individual provider as defined  
6 in RCW 74.39A.240(4) who, solely for the purposes of collective  
7 bargaining, is a public employee as provided in RCW 74.39A.270.

8 **Sec. 254.** RCW 41.76.005 and 2002 c 356 s 3 are each amended to  
9 read as follows:

10 The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

12 (1) "Faculty governance system" means the internal organization  
13 that serves as the faculty advisory body and is charged with the  
14 responsibility for recommending policies, regulations, and rules for  
15 the college or university.

16 (2) "Grievance arbitration" means a method to resolve disputes  
17 arising out of interpretations or application of the terms of an  
18 agreement under which the parties to a controversy must accept the  
19 decision of an impartial person or persons.

20 (3) "Collective bargaining" and "bargaining" mean the performance  
21 of the mutual obligation of the representatives of the employer and the  
22 exclusive bargaining representative to meet at reasonable times to  
23 bargain in good faith in an effort to reach agreement with respect to  
24 wages, hours, and other terms and conditions of employment. A written  
25 contract incorporating any agreements reached must be executed if  
26 requested by either party. The obligation to bargain does not compel  
27 either party to agree to a proposal or to make a concession.

28 In the event of a dispute between an employer and an exclusive  
29 bargaining representative over the matters that are terms and  
30 conditions of employment, the commission shall decide which items are  
31 mandatory subjects for bargaining, subject to RCW 41.76.010.

32 (4) "Commission" means the public employment relations commission  
33 established pursuant to RCW 41.58.010.

34 (5) "Faculty" means employees who, at a public four-year  
35 institution of higher education, are designated with faculty status or  
36 who perform faculty duties as defined through policies established by  
37 the faculty governance system, excluding casual or temporary employees,

1 administrators, confidential employees, graduate student employees,  
2 postdoctoral and clinical employees, and employees subject to chapter  
3 41.06 or 41.56 RCW.

4 (6) "Employee organization" means any organization that includes as  
5 its members faculty of the employer and that has as one of its purposes  
6 representation of faculty under this chapter. A faculty governance  
7 system is not an employee organization as defined in this subsection.

8 (7) "Employer" means the board of regents or the board of trustees  
9 of a public four-year institution of higher education.

10 (8) "Exclusive bargaining representative" means any employee  
11 organization that has been determined by the commission to represent  
12 all of the faculty members of the bargaining unit as required in RCW  
13 41.76.015.

14 (9) "Administrator" means deans, associate and assistant deans,  
15 vice-provosts, vice-presidents, the provost, chancellors, vice-  
16 chancellors, the president, and faculty members who exercise managerial  
17 or supervisory authority over other faculty members.

18 (10) "Confidential employee" means (a) a person who participates  
19 directly on behalf of an employer in the formulation of labor relations  
20 policy, the preparation for or conduct of collective bargaining, or the  
21 administration of a collective bargaining agreement, if the role of the  
22 person is not merely routine or clerical in nature but calls for the  
23 consistent exercise of independent judgment; and (b) a person who  
24 assists and acts in a confidential capacity to a person in (a) of this  
25 subsection.

26 (11) "Bargaining unit" includes all faculty members of all campuses  
27 of each of the colleges and universities. Only one bargaining unit is  
28 allowable for faculty of each employer, and that unit must contain all  
29 faculty members from all schools, colleges, and campuses of the  
30 employer.

31 (12) "Public four-year institutions of higher education" means the  
32 University of Washington, Washington State University, Eastern  
33 Washington University, Western Washington University, Central  
34 Washington University, ~~((and))~~ The Evergreen State College, and North  
35 Snohomish State College.

36 **Sec. 255.** RCW 41.80.005 and 2002 c 354 s 321 are each amended to  
37 read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Agency" means any agency as defined in RCW 41.06.020 and  
4 covered by chapter 41.06 RCW.

5 (2) "Collective bargaining" means the performance of the mutual  
6 obligation of the representatives of the employer and the exclusive  
7 bargaining representative to meet at reasonable times and to bargain in  
8 good faith in an effort to reach agreement with respect to the subjects  
9 of bargaining specified under RCW 41.80.020. The obligation to bargain  
10 does not compel either party to agree to a proposal or to make a  
11 concession, except as otherwise provided in this chapter.

12 (3) "Commission" means the public employment relations commission.

13 (4) "Confidential employee" means an employee who, in the regular  
14 course of his or her duties, assists in a confidential capacity persons  
15 who formulate, determine, and effectuate management policies with  
16 regard to labor relations or who, in the regular course of his or her  
17 duties, has authorized access to information relating to the  
18 effectuation or review of the employer's collective bargaining  
19 policies, or who assists or aids a manager. "Confidential employee"  
20 also includes employees who assist assistant attorneys general who  
21 advise and represent managers or confidential employees in personnel or  
22 labor relations matters, or who advise or represent the state in tort  
23 actions.

24 (5) "Director" means the director of the public employment  
25 relations commission.

26 (6) "Employee" means any employee, including employees whose work  
27 has ceased in connection with the pursuit of lawful activities  
28 protected by this chapter, covered by chapter 41.06 RCW, except:

29 (a) Employees covered for collective bargaining by chapter 41.56  
30 RCW;

31 (b) Confidential employees;

32 (c) Members of the Washington management service;

33 (d) Internal auditors in any agency; or

34 (e) Any employee of the commission, the office of financial  
35 management, or the department of personnel.

36 (7) "Employee organization" means any organization, union, or  
37 association in which employees participate and that exists for the  
38 purpose, in whole or in part, of collective bargaining with employers.

1 (8) "Employer" means the state of Washington.

2 (9) "Exclusive bargaining representative" means any employee  
3 organization that has been certified under this chapter as the  
4 representative of the employees in an appropriate bargaining unit.

5 (10) "Institutions of higher education" means the University of  
6 Washington, Washington State University, Central Washington University,  
7 Eastern Washington University, Western Washington University, The  
8 Evergreen State College, North Snohomish State College, and the various  
9 state community colleges.

10 (11) "Labor dispute" means any controversy concerning terms,  
11 tenure, or conditions of employment, or concerning the association or  
12 representation of persons in negotiating, fixing, maintaining,  
13 changing, or seeking to arrange terms or conditions of employment with  
14 respect to the subjects of bargaining provided in this chapter,  
15 regardless of whether the disputants stand in the proximate relation of  
16 employer and employee.

17 (12) "Manager" means "manager" as defined in RCW 41.06.022.

18 (13) "Supervisor" means an employee who has authority, in the  
19 interest of the employer, to hire, transfer, suspend, lay off, recall,  
20 promote, discharge, direct, reward, or discipline employees, or to  
21 adjust employee grievances, or effectively to recommend such action, if  
22 the exercise of the authority is not of a merely routine nature but  
23 requires the consistent exercise of individual judgment. However, no  
24 employee who is a member of the Washington management service may be  
25 included in a collective bargaining unit established under this  
26 section.

27 (14) "Unfair labor practice" means any unfair labor practice listed  
28 in RCW 41.80.110.

29 **Sec. 256.** RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are  
30 each reenacted and amended to read as follows:

31 For the purposes of RCW 42.17.240, the term "executive state  
32 officer" includes:

33 (1) The chief administrative law judge, the director of  
34 agriculture, the administrator of the Washington basic health plan, the  
35 director of the department of services for the blind, the director of  
36 the state system of community and technical colleges, the director of  
37 community, trade, and economic development, the secretary of

1 corrections, the director of ecology, the commissioner of employment  
2 security, the chairman of the energy facility site evaluation council,  
3 the secretary of the state finance committee, the director of financial  
4 management, the director of fish and wildlife, the executive secretary  
5 of the forest practices appeals board, the director of the gambling  
6 commission, the director of general administration, the secretary of  
7 health, the administrator of the Washington state health care  
8 authority, the executive secretary of the health care facilities  
9 authority, the executive secretary of the higher education facilities  
10 authority, the executive secretary of the horse racing commission, the  
11 executive secretary of the human rights commission, the executive  
12 secretary of the indeterminate sentence review board, the director of  
13 the department of information services, the director of the interagency  
14 committee for outdoor recreation, the executive director of the state  
15 investment board, the director of labor and industries, the director of  
16 licensing, the director of the lottery commission, the director of the  
17 office of minority and women's business enterprises, the director of  
18 parks and recreation, the director of personnel, the executive director  
19 of the public disclosure commission, the director of retirement  
20 systems, the director of revenue, the secretary of social and health  
21 services, the chief of the Washington state patrol, the executive  
22 secretary of the board of tax appeals, the secretary of transportation,  
23 the secretary of the utilities and transportation commission, the  
24 director of veterans affairs, the president of each of the regional and  
25 state universities and the president of The Evergreen State College,  
26 each district and each campus president of each state community  
27 college;

28 (2) Each professional staff member of the office of the governor;

29 (3) Each professional staff member of the legislature; and

30 (4) Central Washington University board of trustees, board of  
31 trustees of each community college, each member of the state board for  
32 community and technical colleges, state convention and trade center  
33 board of directors, committee for deferred compensation, Eastern  
34 Washington University board of trustees, Washington economic  
35 development finance authority, The Evergreen State College board of  
36 trustees, executive ethics board, forest practices appeals board,  
37 forest practices board, gambling commission, Washington health care  
38 facilities authority, each member of the Washington health services

1 commission, higher education coordinating board, higher education  
2 facilities authority, horse racing commission, state housing finance  
3 commission, human rights commission, indeterminate sentence review  
4 board, board of industrial insurance appeals, information services  
5 board, interagency committee for outdoor recreation, state investment  
6 board, commission on judicial conduct, legislative ethics board, liquor  
7 control board, lottery commission, marine oversight board, North  
8 Snohomish State College board of trustees, Pacific Northwest electric  
9 power and conservation planning council, parks and recreation  
10 commission, personnel appeals board, board of pilotage commissioners,  
11 pollution control hearings board, public disclosure commission, public  
12 pension commission, shorelines hearing board, public employees'  
13 benefits board, salmon recovery funding board, board of tax appeals,  
14 transportation commission, University of Washington board of regents,  
15 utilities and transportation commission, Washington state maritime  
16 commission, Washington personnel resources board, Washington public  
17 power supply system executive board, Washington State University board  
18 of regents, Western Washington University board of trustees, and fish  
19 and wildlife commission.

20 **Sec. 257.** RCW 43.19.450 and 1994 c 264 s 15 are each amended to  
21 read as follows:

22 The director of general administration shall appoint and deputize  
23 an assistant director to be known as the supervisor of engineering and  
24 architecture who shall have charge and supervision of the division of  
25 engineering and architecture. With the approval of the director, the  
26 supervisor may appoint and employ such assistants and personnel as may  
27 be necessary to carry out the work of the division.

28 No person shall be eligible for appointment as supervisor of  
29 engineering and architecture unless he or she is licensed to practice  
30 the profession of engineering or the profession of architecture in the  
31 state of Washington and for the last five years prior to his or her  
32 appointment has been licensed to practice the profession of engineering  
33 or the profession of architecture.

34 As used in this section, "state facilities" includes all state  
35 buildings, related structures, and appurtenances constructed for any  
36 elected state officials, institutions, departments, boards,  
37 commissions, colleges, community colleges, except the state

1 universities, The Evergreen State College, North Snohomish State  
2 College, and regional universities. "State facilities" does not  
3 include facilities owned by or used for operational purposes and  
4 constructed for the department of transportation, department of fish  
5 and wildlife, department of natural resources, or state parks and  
6 recreation commission.

7 The director of general administration, through the division of  
8 engineering and architecture shall:

9 (1) Prepare cost estimates and technical information to accompany  
10 the capital budget and prepare or contract for plans and specifications  
11 for new construction and major repairs and alterations to state  
12 facilities((~~-~~));

13 (2) Contract for professional architectural, engineering, and  
14 related services for the design of new state facilities and major  
15 repair or alterations to existing state facilities((~~-~~));

16 (3) Provide contract administration for new construction and the  
17 repair and alteration of existing state facilities((~~-~~));

18 (4) In accordance with the public works laws, contract on behalf of  
19 the state for the new construction and major repair or alteration of  
20 state facilities.

21 The director may delegate any and all of the functions under  
22 subsections (1) through (4) of this section to any agency upon such  
23 terms and conditions as considered advisable.

24 The director may delegate the authority granted to the department  
25 under RCW 39.04.150 to any agency upon such terms as considered  
26 advisable.

27 **Sec. 258.** RCW 43.41.040 and 1993 c 500 s 4 are each amended to  
28 read as follows:

29 As used in this chapter, unless the context indicates otherwise:

30 (1) "Office" means the office of financial management.

31 (2) "Director" means the director of financial management.

32 (3) "Agency" means and includes every state agency, office,  
33 officer, board, commission, department, state institution, or state  
34 institution of higher education, which includes all state universities,  
35 regional universities, The Evergreen State College, North Snohomish  
36 State College, and community and technical colleges.

1       **Sec. 259.** RCW 43.79.150 and 1993 c 411 s 3 are each amended to  
2 read as follows:

3       The one hundred thousand acres of land granted by the United States  
4 government to the state for state normal schools in section 17 of the  
5 enabling act are assigned to the support of the regional universities,  
6 which were formerly the state colleges of education (~~and~~), to The  
7 Evergreen State College, and to North Snohomish State College.

8       **Sec. 260.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003  
9 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as  
10 follows:

11       (1) All earnings of investments of surplus balances in the state  
12 treasury shall be deposited to the treasury income account, which  
13 account is hereby established in the state treasury.

14       (2) The treasury income account shall be utilized to pay or receive  
15 funds associated with federal programs as required by the federal cash  
16 management improvement act of 1990. The treasury income account is  
17 subject in all respects to chapter 43.88 RCW, but no appropriation is  
18 required for refunds or allocations of interest earnings required by  
19 the cash management improvement act. Refunds of interest to the  
20 federal treasury required under the cash management improvement act  
21 fall under RCW 43.88.180 and shall not require appropriation. The  
22 office of financial management shall determine the amounts due to or  
23 from the federal government pursuant to the cash management improvement  
24 act. The office of financial management may direct transfers of funds  
25 between accounts as deemed necessary to implement the provisions of the  
26 cash management improvement act, and this subsection. Refunds or  
27 allocations shall occur prior to the distributions of earnings set  
28 forth in subsection (4) of this section.

29       (3) Except for the provisions of RCW 43.84.160, the treasury income  
30 account may be utilized for the payment of purchased banking services  
31 on behalf of treasury funds including, but not limited to, depository,  
32 safekeeping, and disbursement functions for the state treasury and  
33 affected state agencies. The treasury income account is subject in all  
34 respects to chapter 43.88 RCW, but no appropriation is required for  
35 payments to financial institutions. Payments shall occur prior to  
36 distribution of earnings set forth in subsection (4) of this section.

1 (4) Monthly, the state treasurer shall distribute the earnings  
2 credited to the treasury income account. The state treasurer shall  
3 credit the general fund with all the earnings credited to the treasury  
4 income account except:

5 (a) The following accounts and funds shall receive their  
6 proportionate share of earnings based upon each account's and fund's  
7 average daily balance for the period: The capitol building  
8 construction account, the Cedar River channel construction and  
9 operation account, the Central Washington University capital projects  
10 account, the charitable, educational, penal and reformatory  
11 institutions account, the common school construction fund, the county  
12 criminal justice assistance account, the county sales and use tax  
13 equalization account, the data processing building construction  
14 account, the deferred compensation administrative account, the deferred  
15 compensation principal account, the department of retirement systems  
16 expense account, the drinking water assistance account, the drinking  
17 water assistance administrative account, the drinking water assistance  
18 repayment account, the Eastern Washington University capital projects  
19 account, the education construction fund, the election account, the  
20 emergency reserve fund, The Evergreen State College capital projects  
21 account, the federal forest revolving account, the health services  
22 account, the public health services account, the health system capacity  
23 account, the personal health services account, the state higher  
24 education construction account, the higher education construction  
25 account, the highway infrastructure account, the industrial insurance  
26 premium refund account, the judges' retirement account, the judicial  
27 retirement administrative account, the judicial retirement principal  
28 account, the local leasehold excise tax account, the local real estate  
29 excise tax account, the local sales and use tax account, the medical  
30 aid account, the mobile home park relocation fund, the multimodal  
31 transportation account, the municipal criminal justice assistance  
32 account, the municipal sales and use tax equalization account, the  
33 natural resources deposit account, The North Snohomish State College  
34 capital projects account, the oyster reserve land account, the  
35 perpetual surveillance and maintenance account, the public employees'  
36 retirement system plan 1 account, the public employees' retirement  
37 system combined plan 2 and plan 3 account, the public facilities  
38 construction loan revolving account beginning July 1, 2004, the public

1 health supplemental account, the public works assistance account, the  
2 Puyallup tribal settlement account, the regional transportation  
3 investment district account, the resource management cost account, the  
4 site closure account, the special wildlife account, the state  
5 employees' insurance account, the state employees' insurance reserve  
6 account, the state investment board expense account, the state  
7 investment board commingled trust fund accounts, the supplemental  
8 pension account, the Tacoma Narrows toll bridge account, the teachers'  
9 retirement system plan 1 account, the teachers' retirement system  
10 combined plan 2 and plan 3 account, the tobacco prevention and control  
11 account, the tobacco settlement account, the transportation  
12 infrastructure account, the tuition recovery trust fund, the University  
13 of Washington bond retirement fund, the University of Washington  
14 building account, the volunteer fire fighters' and reserve officers'  
15 relief and pension principal fund, the volunteer fire fighters' and  
16 reserve officers' administrative fund, the Washington fruit express  
17 account, the Washington judicial retirement system account, the  
18 Washington law enforcement officers' and fire fighters' system plan 1  
19 retirement account, the Washington law enforcement officers' and fire  
20 fighters' system plan 2 retirement account, the Washington school  
21 employees' retirement system combined plan 2 and 3 account, the  
22 Washington state health insurance pool account, the Washington state  
23 patrol retirement account, the Washington State University building  
24 account, the Washington State University bond retirement fund, the  
25 water pollution control revolving fund, and the Western Washington  
26 University capital projects account. Earnings derived from investing  
27 balances of the agricultural permanent fund, the normal school  
28 permanent fund, the permanent common school fund, the scientific  
29 permanent fund, and the state university permanent fund shall be  
30 allocated to their respective beneficiary accounts. All earnings to be  
31 distributed under this subsection (4)(a) shall first be reduced by the  
32 allocation to the state treasurer's service fund pursuant to RCW  
33 43.08.190.

34 (b) The following accounts and funds shall receive eighty percent  
35 of their proportionate share of earnings based upon each account's or  
36 fund's average daily balance for the period: The aeronautics account,  
37 the aircraft search and rescue account, the county arterial  
38 preservation account, the department of licensing services account, the

1 essential rail assistance account, the ferry bond retirement fund, the  
2 grade crossing protective fund, the high capacity transportation  
3 account, the highway bond retirement fund, the highway safety account,  
4 the motor vehicle fund, the motorcycle safety education account, the  
5 pilotage account, the public transportation systems account, the Puget  
6 Sound capital construction account, the Puget Sound ferry operations  
7 account, the recreational vehicle account, the rural arterial trust  
8 account, the safety and education account, the special category C  
9 account, the state patrol highway account, the transportation 2003  
10 account (nickel account), the transportation equipment fund, the  
11 transportation fund, the transportation improvement account, the  
12 transportation improvement board bond retirement account, and the urban  
13 arterial trust account.

14 (5) In conformance with Article II, section 37 of the state  
15 Constitution, no treasury accounts or funds shall be allocated earnings  
16 without the specific affirmative directive of this section.

17 **Sec. 261.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to  
18 read as follows:

19 (1) All earnings of investments of surplus balances in the state  
20 treasury shall be deposited to the treasury income account, which  
21 account is hereby established in the state treasury.

22 (2) The treasury income account shall be utilized to pay or receive  
23 funds associated with federal programs as required by the federal cash  
24 management improvement act of 1990. The treasury income account is  
25 subject in all respects to chapter 43.88 RCW, but no appropriation is  
26 required for refunds or allocations of interest earnings required by  
27 the cash management improvement act. Refunds of interest to the  
28 federal treasury required under the cash management improvement act  
29 fall under RCW 43.88.180 and shall not require appropriation. The  
30 office of financial management shall determine the amounts due to or  
31 from the federal government pursuant to the cash management improvement  
32 act. The office of financial management may direct transfers of funds  
33 between accounts as deemed necessary to implement the provisions of the  
34 cash management improvement act, and this subsection. Refunds or  
35 allocations shall occur prior to the distributions of earnings set  
36 forth in subsection (4) of this section.

1 (3) Except for the provisions of RCW 43.84.160, the treasury income  
2 account may be utilized for the payment of purchased banking services  
3 on behalf of treasury funds including, but not limited to, depository,  
4 safekeeping, and disbursement functions for the state treasury and  
5 affected state agencies. The treasury income account is subject in all  
6 respects to chapter 43.88 RCW, but no appropriation is required for  
7 payments to financial institutions. Payments shall occur prior to  
8 distribution of earnings set forth in subsection (4) of this section.

9 (4) Monthly, the state treasurer shall distribute the earnings  
10 credited to the treasury income account. The state treasurer shall  
11 credit the general fund with all the earnings credited to the treasury  
12 income account except:

13 (a) The following accounts and funds shall receive their  
14 proportionate share of earnings based upon each account's and fund's  
15 average daily balance for the period: The capitol building  
16 construction account, the Cedar River channel construction and  
17 operation account, the Central Washington University capital projects  
18 account, the charitable, educational, penal and reformatory  
19 institutions account, the common school construction fund, the county  
20 criminal justice assistance account, the county sales and use tax  
21 equalization account, the data processing building construction  
22 account, the deferred compensation administrative account, the deferred  
23 compensation principal account, the department of retirement systems  
24 expense account, the drinking water assistance account, the drinking  
25 water assistance administrative account, the drinking water assistance  
26 repayment account, the Eastern Washington University capital projects  
27 account, the education construction fund, the election account, the  
28 emergency reserve fund, The Evergreen State College capital projects  
29 account, the federal forest revolving account, the health services  
30 account, the public health services account, the health system capacity  
31 account, the personal health services account, the state higher  
32 education construction account, the higher education construction  
33 account, the highway infrastructure account, the industrial insurance  
34 premium refund account, the judges' retirement account, the judicial  
35 retirement administrative account, the judicial retirement principal  
36 account, the local leasehold excise tax account, the local real estate  
37 excise tax account, the local sales and use tax account, the medical  
38 aid account, the mobile home park relocation fund, the multimodal

1 transportation account, the municipal criminal justice assistance  
2 account, the municipal sales and use tax equalization account, the  
3 natural resources deposit account, the North Snohomish State College  
4 capital projects account, the oyster reserve land account, the  
5 perpetual surveillance and maintenance account, the public employees'  
6 retirement system plan 1 account, the public employees' retirement  
7 system combined plan 2 and plan 3 account, the public facilities  
8 construction loan revolving account beginning July 1, 2004, the public  
9 health supplemental account, the public works assistance account, the  
10 Puyallup tribal settlement account, the regional transportation  
11 investment district account, the resource management cost account, the  
12 site closure account, the special wildlife account, the state  
13 employees' insurance account, the state employees' insurance reserve  
14 account, the state investment board expense account, the state  
15 investment board commingled trust fund accounts, the supplemental  
16 pension account, the Tacoma Narrows toll bridge account, the teachers'  
17 retirement system plan 1 account, the teachers' retirement system  
18 combined plan 2 and plan 3 account, the tobacco prevention and control  
19 account, the tobacco settlement account, the transportation  
20 infrastructure account, the tuition recovery trust fund, the University  
21 of Washington bond retirement fund, the University of Washington  
22 building account, the volunteer fire fighters' and reserve officers'  
23 relief and pension principal fund, the volunteer fire fighters' and  
24 reserve officers' administrative fund, the Washington fruit express  
25 account, the Washington judicial retirement system account, the  
26 Washington law enforcement officers' and fire fighters' system plan 1  
27 retirement account, the Washington law enforcement officers' and fire  
28 fighters' system plan 2 retirement account, the Washington public  
29 safety employees' plan 2 retirement account, the Washington school  
30 employees' retirement system combined plan 2 and 3 account, the  
31 Washington state health insurance pool account, the Washington state  
32 patrol retirement account, the Washington State University building  
33 account, the Washington State University bond retirement fund, the  
34 water pollution control revolving fund, and the Western Washington  
35 University capital projects account. Earnings derived from investing  
36 balances of the agricultural permanent fund, the normal school  
37 permanent fund, the permanent common school fund, the scientific  
38 permanent fund, and the state university permanent fund shall be

1 allocated to their respective beneficiary accounts. All earnings to be  
2 distributed under this subsection (4)(a) shall first be reduced by the  
3 allocation to the state treasurer's service fund pursuant to RCW  
4 43.08.190.

5 (b) The following accounts and funds shall receive eighty percent  
6 of their proportionate share of earnings based upon each account's or  
7 fund's average daily balance for the period: The aeronautics account,  
8 the aircraft search and rescue account, the county arterial  
9 preservation account, the department of licensing services account, the  
10 essential rail assistance account, the ferry bond retirement fund, the  
11 grade crossing protective fund, the high capacity transportation  
12 account, the highway bond retirement fund, the highway safety account,  
13 the motor vehicle fund, the motorcycle safety education account, the  
14 pilotage account, the public transportation systems account, the Puget  
15 Sound capital construction account, the Puget Sound ferry operations  
16 account, the recreational vehicle account, the rural arterial trust  
17 account, the safety and education account, the special category C  
18 account, the state patrol highway account, the transportation 2003  
19 account (nickel account), the transportation equipment fund, the  
20 transportation fund, the transportation improvement account, the  
21 transportation improvement board bond retirement account, and the urban  
22 arterial trust account.

23 (5) In conformance with Article II, section 37 of the state  
24 Constitution, no treasury accounts or funds shall be allocated earnings  
25 without the specific affirmative directive of this section.

26 **Sec. 262.** RCW 43.88.195 and 1996 c 186 s 509 are each amended to  
27 read as follows:

28 After August 11, 1969, no state agency, state institution, state  
29 institution of higher education, which shall include all state  
30 universities, regional universities, The Evergreen State College, North  
31 Snohomish State College, and community colleges, shall establish any  
32 new accounts or funds which are to be located outside of the state  
33 treasury: PROVIDED, That the office of financial management shall be  
34 authorized to grant permission for the establishment of such an account  
35 or fund outside of the state treasury only when the requesting agency  
36 presents compelling reasons of economy and efficiency which could not  
37 be achieved by placing such funds in the state treasury. When the

1 director of financial management authorizes the creation of such fund  
2 or account, the director shall forthwith give written notice of the  
3 fact to the standing committees on ways and means of the house and  
4 senate: PROVIDED FURTHER, That agencies authorized to create local  
5 accounts will utilize the services of the state treasurer's office to  
6 ensure that new or ongoing relationships with financial institutions  
7 are in concert with statewide policies and procedures pursuant to RCW  
8 43.88.160(1).

9 **Sec. 263.** RCW 46.63.040 and 2002 c 237 s 20 are each amended to  
10 read as follows:

11 (1) All violations of state law, local law, ordinance, regulation,  
12 or resolution designated as traffic infractions in RCW 46.63.020 may be  
13 heard and determined by a district court, except as otherwise provided  
14 in this section.

15 (2) Any municipal court has the authority to hear and determine  
16 traffic infractions pursuant to this chapter.

17 (3) Any city or town with a municipal court may contract with the  
18 county to have traffic infractions committed within the city or town  
19 adjudicated by a district court.

20 (4) District court commissioners have the authority to hear and  
21 determine traffic infractions pursuant to this chapter.

22 (5) Any district or municipal court may refer juveniles age sixteen  
23 or seventeen who are enrolled in school to a youth court, as defined in  
24 RCW 3.72.005 or 13.40.020, for traffic infractions.

25 (6) The boards of regents of the state universities, and the boards  
26 of trustees of the regional universities (~~and of~~), The Evergreen  
27 State College, and North Snohomish State College have the authority to  
28 hear and determine traffic infractions under RCW 28B.10.560.

29 **Sec. 264.** RCW 82.12.0264 and 1980 c 37 s 63 are each amended to  
30 read as follows:

31 The provisions of this chapter shall not apply in respect to the  
32 use of motor vehicles, equipped with dual controls, which are loaned to  
33 and used exclusively by a school in connection with its driver training  
34 program: PROVIDED, That this exemption and the term "school" shall  
35 apply only to (1) the University of Washington, Washington State  
36 University, the regional universities, The Evergreen State College,

1 North Snohomish State College, and the state community colleges or (2)  
2 any public, private, or parochial school accredited by either the state  
3 board of education or by the University of Washington (the state  
4 accrediting station) or (3) any public vocational school meeting the  
5 standards, courses, and requirements established and prescribed or  
6 approved in accordance with the Community College Act of 1967 (chapter  
7 8, Laws of 1967 (~~first extraordinary session~~) 1st ex. sess.).

8 **PART III**  
9 **MISCELLANEOUS**

10 NEW SECTION. **Sec. 301.** Sections 1 and 101 through 117 of this act  
11 constitute a new chapter in Title 28B RCW.

12 NEW SECTION. **Sec. 302.** Part headings used in this act are not any  
13 part of the law.

14 NEW SECTION. **Sec. 303.** Section 261 of this act takes effect July  
15 1, 2006.

16 NEW SECTION. **Sec. 304.** Section 260 of this act expires July 1,  
17 2006.

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